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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सार्वजनिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

आदेश

ORDER

नई दिल्ली, 24 मई, 1979

New Delhi, the 24th May, 1979

का० प्रा० 2285.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1979 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 232-घोड़ा बोंगरी निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भक्त सिंह, ग्राम देशवादी, पो० भयावादी, तह० व जिला बेतुल, मध्य प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा सम्बंधित बनाए गए नियमों द्वारा अभिलेखित करने के निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न, स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भक्त सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र० वि० सं०/232/77]

S.O. 2285.—Whereas the Election Commission is satisfied that Shri Bhakat Singh, Village Deshwadi, Post Bhayawadi, Tehsil and District Betul (Madhya Pradesh) a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 232-Ghoradongri constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhakat Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/232/77]

प्रदेश

नई दिल्ली, 4 जून, 1979

का० आ० 2286.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आसाम विधान सभा के लिए साधारण निर्वाचन के लिए 33-बिजनी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जामिनी मोहन बासुमतारी, ग्राम अम्गुरी डाक० बिजनी, जिला-गोलपारा (आसाम) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं।

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जामिनी मोहन बासुमतारी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० आसाम-वि०सं०/33/78]

ORDER

New Delhi, the 4th June, 1979

S.O. 2286.—Whereas the Election Commission is satisfied that Shri Jamini Mohan Basumatary, Village Amguri, Post Bijni, District Goalpara (Assam) a contesting candidate for general election to the Legislative Assembly held in February, 1978, from 33-Bijni constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jamini Mohan Basumatary to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AS-LA/33/78]

प्रदेश

नई दिल्ली, 6 जून, 1979

का० आ० 2287.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 142-कटिहार निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अहमद अहमद, अमलाटोल, कटिहार, बिहार लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अहमद अहमद को संसद के किसी भी सदन के

या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि०सं०/142/77(56)]

ORDER

New Delhi, the 6th June, 1979

S.O. 2287.—Whereas the Election Commission is satisfied that Shri Ahsar Ahmad, Amlatol, Katihar, Bihar a contesting candidate for general election to Bihar Legislative Assembly held in June 1977 from 142-Katihar constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ahsar Ahmad to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/142/77(56)]

प्रदेश

का० आ० 2288.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 145-बान्पुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री फकरुद्दीन, ग्राम भेइमारा, पोस्ट-मनसाही, जिला-कटिहार, बिहार, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री फकरुद्दीन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि०सं०/145/77(57)]

ORDER

S.O. 2288.—Whereas the Election Commission is satisfied that Shri Fakruddin, Village Bheimara, P.O. Mansahi, District Katihar, Bihar a contesting candidate for general election to Bihar Legislative Assembly held in June 1977 from 145-Banpur constituency, has failed to lodge an account of his election expenses at all required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Fakruddin to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/145/177(57)]

प्रार्थना

का० प्रा० 2289.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 97-मोहिउद्दीन नगर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चन्द्रकान्त प्रसाद यादव, ग्राम धर्मपुर पलईया, पत्तालय-पलईया, थाना मंचल महानगर, जिला समस्तीपुर, बिहार, लोक प्रतिनिधित्व अधिनियम 1951 तथा नव्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री चन्द्रकान्त प्रसाद यादव को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि० सं०/97/77(55)]

ORDER

S.O. 2289.—Whereas the Election Commission is satisfied that Shri Chandra Kanta Prasad Yadav, Village Dharmpur, Palbaiya, P.O. Palbaiya, Thana Anchal Mahanar, Distt. Samastipur (Bihar), a contesting candidate for general election to Bihar Legislative Assembly held in June 1977 from 97-Mohiuddin Nagar constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he had no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chandra Kanta Prasad Yadav to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/97/77(55)]

प्रार्थना

नई दिल्ली, 8 जून, 1979

का० प्रा० 2290.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 230—औरंगाबाद निर्वाचन क्षेत्र के चुनाव लड़ने वाले उम्मीदवार श्री सत्येन्द्रनारायण सिंह, ग्राम एवं मंत्रालय बटारईन, जिला औरंगाबाद, बिहार, लोक प्रतिनिधित्व अधिनियम, 1951 तथा नव्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सत्येन्द्रनारायण सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि० सं०/238/77(58)]

ORDER

New Delhi, the 8th June, 1979

S.O. 2290.—Whereas the Election Commission is satisfied that Shri Satyendra Narain Singh, Village and P.O. Ghatrain, District Aurangabad, Bihar a contesting candidate for general election to Bihar Legislative Assembly held in June, 1977 from 238-Aurangabad constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sa'yendra Narain Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/238/77(58)]

प्रार्थना

का० प्रा० 2291.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आसाम विधान सभा के लिए साधारण निर्वाचन के लिए 29—कोक्राझार पश्चिम (अ०ज०जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अमरसिंह रावा, ग्राम गहकचा, डाक० सांकाटा, थाना-गोसागाँव, जिला-गोलपारा (असम) लोक प्रतिनिधित्व अधिनियम, 1951 तथा नव्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अमरसिंह रावा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० आसाम-वि० सं०/29/78]

ORDER

S.O. 2291.—Whereas the Election Commission is satisfied that Shri Amar Sing Rava, Village-Ghakcha, P.O.-Sapkatā, P.S.-Gossagaon, District-Goalpara, Assam, a contesting candidate for general election to the Legislative Assembly held in February, 1978 from 29-Kokrajhar West (ST) constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reasons or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Amar Sing Rava to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AS-LA/29/78]

घादेश

नई दिल्ली, 11 जून, 1979

का० प्रा० 2292.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 10-रखसौल निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रामप्रसाद सिंह, ग्राम शिव कुटीर, जगत नारायण रोड, कदम कुश, पटना-3, बिहार, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण मा न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राम प्रसाद सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथमा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि० सं०/10/77(59)]

घादेश से,

वी० नागसुब्रमण्यन, सचिव

ORDER

New Delhi, the 11th June, 1979

S.O. 2292.—Whereas the Election Commission is satisfied that Shri Ram Prasad Singh, Village Shiv Kutir Jagat Narain Road, Kadamkuan, Patna-3, Bihar a contesting candidate for general election to Bihar Legislative Assembly held in June, 1977 from 10 Raxaul constituency, has failed to lodge an account of his election expenses at all/as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Prasad Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/10/77(59)]

V. NAGASUBRAMANIAN, Secy.

घादेश

नई दिल्ली, 15 जून, 1979

का० प्रा० 2293.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 251-व्यावरा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गोकुल प्रसाद नवनीत प्रसाद, बार्ड नं० 11, व्यावरा (राजगढ़) जिला राजगढ़ (मध्य प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गोकुल प्रसाद नवनीत प्रसाद को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथमा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र० वि० सं०/251/77]]

आर० डी० शर्मा, प्रवर सचिव

ORDER

New Delhi, the 15th June, 1979

S.O. 2293.—Whereas the Election Commission is satisfied that Shri Gokul Prasad Navneet Prasad, Ward No. 11, Biaora (Rajgarh), District Rajgarh (Madhya Pradesh) a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 251-Biaora constituency, has failed to lodge an account of his election expenses at all/as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gokul Prasad Navneet Prasad to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/251/77]

R. D. SHARMA, Under Secy.

विधि न्याय और कम्पनी कार्य मंत्रालय

(न्याय विभाग)

नई दिल्ली, 18 जून, 1979

नोटिस

का० प्रा० 2204.—इसके द्वारा, लेख्य प्रमाणक नियम (नोटरीज रूलस), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है, कि उक्त प्राधिकारी को श्री एच० बी० सिंह, एडवोकेट ए/4, कृष्ण नगर, दिल्ली-1 ने उक्त नियमों के नियम 4 के अधीन, कृष्ण नगर, दिल्ली में लेख्य प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिये आवेदन पत्र भेजा है।

उक्त व्यक्ति को लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियाँ हों तो वे इस नोटिस के प्रकाशित होने के चौदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जायें।

[संख्या 22/32/79-न्याय]

सक्षम धाम हिन्दी, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Justice)

New Delhi, the 18th June, 1979

NOTICE

S.O. 2294.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri H. B. Singh, Advocate A1/4 Krishan Nagar, Delhi-I for appointment as a Notary to practice in Krishan Nagar, Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 22/32/79-Jus]

L. D. HINDI, Competent Authority

गृह मंत्रालय

(कार्मिक और प्रशासनिक सुधार विभाग)

नई दिल्ली, 18 जून, 1979

का० प्रा० 2295.—राष्ट्रपति, संविधान, के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्—

1. (1) इन नियमों का नाम साधारण भविष्य निधि (केन्द्रीय सेवा) तीसरा संशोधन नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2 साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 में, पाँचवीं अनुसूची में, पैरा 2 में, "केन्द्रीय सांख्यिकीय संगठन (औद्योगिक सांख्यिकी पक्ष), कलकत्ता में संयुक्त निदेशक" प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्—

"निर्माण और मातृमंत्रालय में सेवा निर्वहक।"

[सं० 13(7)/78-ई०-5(बी)]

MINISTRY OF HOME AFFAIRS

(Department of Personnel and Administrative Reforms)

New Delhi, the 18th June, 1979

S.O. 2295.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960 namely :—

1. (1) These rules may be called the General Provident Fund (Central Services) Third Amendment Rules, 1979. —

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the General Provident Fund (Central Services) Rules, 1960, in the Fifth Schedule, in paragraph 2, after the entry "The Joint Director in the Central Statistical Organisation (Industrial Statistics Wing), Calcutta", the following entry shall be inserted, namely :—

"The Controllers of Accounts in the Ministry of Works and Housing".

[No. 13(7)/78-EV(B)]

का० प्रा० 2296.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय लेखापरीक्षा और लेखा विभाग में सेवा रत व्यक्तियों की वास्तव नियंत्रक-महालेखापरीक्षक से परामर्श करने के पश्चात् सामान्य भविष्य निधि (केन्द्रीय सेवाएं) नियम, 1960 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्—

1. (2) इन नियमों का संक्षिप्त नाम सामान्य भविष्य निधि (केन्द्रीय सेवाएं) चौथा संशोधन नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. सामान्य भविष्य निधि (केन्द्रीय सेवाएं) नियम, 1960 के नियम 25 के उपनियम (1) में परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा अर्थात्—

"परन्तु यदि किसी प्रोव्यूअर बोर्ड की रकम सहित बीमा-कृत रकम रोक ली गई या निकासी गई सम्पूर्ण रकम से अधिक है तो अभिधाता का यह कर्तव्य होगा कि यह पानिसी के परिपक्व होने

की तारीख से एक मास के भीतर लेखा अधिकारी को लिखित रूप में यह जानकारी दे कि ऐसा अंतर या अंतर का कोई भाग, जैसा कि अभिधाता द्वारा विनिश्चित किया गया है, उसे संवत् कर दिया जाए या नहीं, और लेखा अधिकारी का यह कर्तव्य होगा कि वह अभिधाता के विकल्प के अनुसार कृप्य करे।

टिप्पणः—यदि विहित अवधि के भीतर अभिधाता द्वारा अपने विकल्प का प्रयोग नहीं किया जाता है तो उसके बारे में यह समझा जाएगा कि उसने अंतर को निधि में अपने खाते में जमा करने के विकल्प का प्रयोग किया है। ऐसे निवेप को निधि में अभिधाता के नाम जमा रकम में मिला दिया जायेगा।"

[सं० का० 17(5)-ई 5(बी) 2/78-जी०पी० एफ०]

S.O. 2296.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President, after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely :—

1. (1) These rules may be called the General Provident Fund (Central Services) Fourth Amendment Rules, 1979.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the General Provident Fund (Central Services) Rules, 1960, in rule 25, for the proviso to sub-rule (1) the following proviso shall be substituted, namely :—

"Provided that if the amount assured together with the amount of any accrued bonus is more than the whole of the amount withheld or withdrawn, it shall be the duty of the subscriber to inform the Account Officer in writing, within a month from the date of maturity of the policy, whether the difference, or a part of the difference as specified by the subscriber, be paid to him; and it shall be the duty of the Account Officer to act in accordance with the option of the subscriber.

Note : If no option is exercised by the subscriber in writing to the Account Officer within the period prescribed, he shall be deemed to have opted to deposit the difference in his account in the Fund. Such deposit will be merged in the amount standing to the subscriber's credit in the Fund."

[No. F. 17(5)-EV(B)/78-GPF]

का० प्रा० 2297.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय लेखापरीक्षा और लेखा विभाग में सेवा रत व्यक्तियों की वास्तव नियंत्रक-महालेखापरीक्षक से परामर्श करने के पश्चात् अंशदायी भविष्य निधि (भारत) नियम, 1962 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्—

1. (1) इन नियमों का संक्षिप्त नाम अंशदायी भविष्य निधि (भारत) दूसरा संशोधन नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. अंशदायी भविष्य निधि (भारत) नियम, 1962 के नियम 27 के उपनियम (1) में परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा, अर्थात्—

"परन्तु यदि किसी प्रोव्यूअर बोर्ड की रकम सहित बीमा-कृत रकम रोक ली गई या निकासी गई सम्पूर्ण रकम से अधिक है तो अभिधाता का यह कर्तव्य होगा कि वह पानिसी के परिपक्व होने की तारीख से एक मास के भीतर लेखा अधिकारी को लिखित रूप में यह जानकारी दे कि ऐसा अंतर या अंतर का कोई भाग, जैसा कि अभि-

वाला द्वारा विनिश्चित किया गया है, उसे संवत् कर दिया जा नहीं; और सेवा अधिकारी का यह कर्तव्य होगा कि वह अभिवाला के विकल्प के अनुसार कृत्य करे।

टिप्पण:—यदि विहित अवधि के भीतर अभिवाला द्वारा अपने विकल्प का प्रयोग नहीं किया जाता है तो उसके बारे में यह समझा जाएगा कि उसने अंतर की विधि में अपने खाने में जमा करने के विकल्प का प्रयोग किया है। ऐसे निधेय को निधि में अभिवाला के नाम जमा रकम में मिला दिया जाएगा।

[सं० फा० 17(5)-ई5(बी)/78-सी०पी०एफ]
एस० आर० अग्रवाल, प्रवर सचिव

S.O. 2297.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President, after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Contributory Provident Fund Rules (India), 1962, namely:—

1. (1) These Rules may be called the Contributory Provident Fund (India) Second Amendment Rules, 1979.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Contributory Provident Fund (India) Rules, 1962, in rule 27, for the proviso to sub-rule (1), the following proviso shall be substituted, namely:—

“Provided that if the amount assured together with the amount of any accrued bonus is more than the whole of the amount withheld or withdrawn, it shall be the duty of the subscriber to inform the Account Officer in writing, within a month from the date of maturity of the policy, whether the difference or a part of the difference as specified by the subscriber, be paid to him; and it shall be the duty of the Account Officer to act in accordance with the option of the subscriber.

Note.—If no option is exercised by the subscriber in writing to the Accounts Officer within the period prescribed, he shall be deemed to have opted to deposit the difference in his account in the Fund. Such deposit will be merged in the amount of subscriptions and interest thereon standing to the subscriber's credit in the Fund”.

[No. F. 17(5)-EV(B)/78-CPF]
S. R. AGRAWALA, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 26 अप्रैल, 1979

प्राय-कर

फा० आ० 2298.—केन्द्रीय सरकार, प्राय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “महलेश्वरी मीनाक्षी सुन्दरेश्वर तिरुक्किल, मदुरै” को निर्धारण वर्ष 1976-77 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2786/फा० सं० 197/159/78-आ० फा० (ए1)]

MINISTRY OF FINANCE
(Department of Expenditure)

New Delhi, the 26th April, 1979

(INCOME-TAX)

S.O. 2298.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Arulmigu Meenakshi Sundareswar Thirukdill, Nadurai” for the purpose of the said section for and from the assessment year 1976-77.

[No. 2786/F. No. 197/159/78-IT(AI)]

ई दिल्ली, 28 अप्रैल, 1979

प्राय-कर

फा० आ० 2299.—केन्द्रीय सरकार, प्राय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ‘चर्च ऑफ नार्थ इण्डिया ट्रस्ट एसोसिएशन’ को निर्धारण वर्ष 1977-78 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2788/फा० सं० 197/141/78-आ० फा० (ए1)]

New Delhi, the 28th April, 1979
(INCOME-TAX)

S.O. 2299.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies ‘Church of North India Trust Association’, for the purpose of the said section for and from the assessment year 1977-78.

[No. 2788/F. No. 197/141/78-IT(AI)]

नई दिल्ली, 30 अप्रैल, 1979

प्राय-कर

फा० आ० 2300.—केन्द्रीय सरकार, प्राय-कर अधिनियम, 1961 (1961 का 3) की धारा 10 की उपधारा (23-ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ‘क्रिश्चियन सर्विस एजेंसी, नई दिल्ली’ को निर्धारण वर्ष 1979-80 और 1980-81 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2792/फा० सं० 197/134/78-आ० फा० (ए1)]

जे० पी० शर्मा, निदेशक

New Delhi, the 30th April, 1979
(INCOME-TAX)

S.O. 2300.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies ‘Christian Service Agency, New Delhi’ for the purposes of the said section for the assessment years 1979-80 and 1980-81.

[No. 2792/197/134/78-IT (AI)]

J. P. SHARMA, Director.

(धर्म विभाग)

नई दिल्ली, 22 जून, 1979

फा० आ० 2301.—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और प्रमील) नियम, 1965 के नियम 12 के उपनियम (2) के खण्ड (ख) और नियम 24 के उप-नियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के विन मंत्रालय (धर्म विभाग) की अधिसूचना सं० फा० आ० 3390 तारीख 7 नवम्बर, 1974 में निम्नलिखित और संशोधन करते हैं, अर्थात्:—

उक्त अधिसूचना की अनुसूची में,—

(1) “महालेखाकार, पश्चिमी बंगाल” प्रविष्टि से संबंधित मद 1 में, स्तम्भ (2) की विद्यमान प्रविष्टियों के स्थान पर निम्न-लिखित प्रविष्टियाँ रखी जाएगी, अर्थात्:—

- “(1) महालेखाकार, पश्चिमी बंगाल I
- (2) महालेखाकार, पश्चिमी बंगाल II
- (3) महालेखाकार, केन्द्रीय I”

(2) “महालेखाकार, उत्तर प्रदेश” प्रविष्टि से संबंधित मद 3 में स्तम्भ (2) में “(2) महालेखाकार उत्तर प्रदेश 2” प्रविष्टि के पश्चात् निम्नलिखित प्रविष्टि जोड़ी जायेगी, अर्थात्:—

“(3) महालेखाकार उत्तर प्रदेश 3”

[भि० सं० सी-11021/2/78 ई०जी० 1]

एस० के० दास, प्रवर सचिव

(Department of Expenditure)

New Delhi, the 22nd June, 1979

S.O. 2301.—In exercise of the powers conferred by clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Expenditure) No. S.O. 3390 dated the 7th November, 1974, namely :—

In the Schedule to the said notification,—

- (1) in item I relating to the entry "Accountant General, West-Bengal", in column (2), for the existing entries, the following shall be substituted, namely :—

"(i) A.G. West Bengal—I

(ii) A.G. West Bengal—II

(iii) A.G., Central."

- (2) in item 3 relating to the entry "Accountant General, Uttar Pradesh", in column (2) after the entry "(ii) A.G., Uttar Pradesh—II", the following shall be added, namely :—

"(iii) A.G., Uttar Pradesh—III."

[F. No. C-11021/2/78-EG1]

S. K. DAS, Under Secy.

(आर्थिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 23 जून, 1979

का.भा. 2302.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा (3) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए, केन्द्रीय सरकार, एतद्वारा भारत सरकार, राज्य और बैंकिंग विभाग (बैंकिंग पत्र) की 21 मार्च, 1976 की अधिसूचना संख्या 4-85/73/आ.प्र. धार. बी. में निम्नलिखित संशोधन करती है अर्थात्:—

उक्त अधिसूचना में शब्द "जिला जम्मू" के स्थान पर शब्द "जिला जम्मू, कथुवा राजौरी और पूछ" प्रतिस्थापित किये जायेंगे।

[संख्या 2-7/79-आ.प्र. धार. बी. (1)]

सी.आर. बिस्वास, उप-सचिव

(Banking Division)

(Department of Economic Affairs)

New Delhi, the 23rd June, 1979

S.O. 2302.—In exercise of the powers conferred by sub-section (1) of section (3) of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendment in the notification of the Govt. of India in the then Department of Banking No. F. 4-72/75-AC(I) dated the 8th March, 1976 namely :—

In the said notification, for the words "district of Jammu" the words "districts of Jammu, Kathua, Rajourn and Poonch" shall be substituted.

[No. F. 2-7/79-RRB (1)]

C. R. BISWAS, Dy. Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 4 जनवरी, 1979

का.भा. 2303.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121-क की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, अपनी अधिसूचना सं. 2471 (फा.सं. 261/22/78-आई टी जे, तारीख 18-8-1978 और अधिसूचना सं. 2581 (फा.सं. 261/22/78-आई टी जे) तारीख 15-11-1978 से उपाबद्ध अनुसूची में निम्नलिखित संशोधन करता है। उक्त अनुसूची में निम्नलिखित परिवर्तन और परिवर्धन किए जायेंगे।

क्रम संख्या	भारसाधन क्षेत्र और मुख्यालय	आयकर सफल और बाई	सहायक आयकर आयुक्त (निरीक्षण) के रेंज
1	2	3	4
1. आयुक्त (अपील) I, ग्रहमदाबाद		प्रविष्टि संख्या 8 और 9 का लोप किया जाय	प्रविष्टि संख्या 4 और 5 का लोप किया जाय।
2. आयुक्त (अपील) II, ग्रहमदाबाद		प्रविष्टि संख्या 1 और 3 का लोप किया जाय।	प्रविष्टि संख्या 1 और 3 का लोप किया जाय।
क्रम संख्या 6 के परन्तत, निम्नलिखित जोड़े			
7. आयुक्त (अपील)-V, ग्रहमदाबाद		1. सकल 2, ग्रहमदाबाद 2. सकल 3, ग्रहमदाबाद	1. ए और 2, ग्रहमदाबाद 2. ए और 3, ग्रहमदाबाद
8. आयुक्त (अपील)-VI		1. सकल 4, ग्रहमदाबाद	1. ए और 4, ग्रहमदाबाद 2. ए और 6, ग्रहमदाबाद

जहाँ कोई आयकर सकल, बाई या जिला या रेंज या उसका भाग इस अधिसूचना द्वारा एक आयकर आयुक्त (अपील) के भारसाधन से किसी अन्य आयकर आयुक्त (अपील) के भारसाधन को अन्तर्गत कर दिया जाता है, वहाँ उस आयकर सकल, बाई या जिले या रेंज या उसके भाग में किए गए निर्धारणों से उत्पन्न होने वाली और उस सहायक आयकर आयुक्त (अपील) के समक्ष जिससे वह आयकर सकल, बाई, जिला या रेंज या उसका भाग अन्तर्गत हुआ है, इस अधिसूचना की तारीख के ठीक पूर्व स्थित अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस आयकर आयुक्त (अपील) के भारसाधन के जिसको उक्त सकल बाई, जिला या रेंज या उसका भाग अन्तर्गत हुआ है सहायक आयकर आयुक्त (अपील) को अन्तर्गत की जाएगी और उनके द्वारा उन पर कार्यवाही की जाएगी।

यह अधिसूचना 1-1-1979 से प्रभावी होगी।

[सं. 2637 (फा. सं. 261/22/78-आई.टी.एस.)]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 4th January, 1979

S.O. 2303.—In exercise of the powers conferred by sub-section (1) of section 121A of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling in it that behalf the Central Board of Direct Taxes hereby makes the following amendments in the schedule appended to its notification No. 2471 (F. No. 261/22/78-ITJ) dated 18-8-1978 and in notification No. 2581 (F. No. 261/22/78-ITJ) dated 15-11-1978.

In the said schedule the following alterations and additions shall be made.

Sl. No.	Charges with Headquarters	Income-tax Circle and Ward	Ranges of Inspecting Assistant Commissioners of Income-tax
(1)	(2)	(3)	(4)
1. Commissioner (Appeals)-I Ahmedabad		Entry Nos. 8 & 9 to be deleted	Entries No. 4 & 5 to be deleted.
2. Commissioner (Appeals)-II Ahmedabad.		Entry No. 1 & 3 to be deleted	Entries No. 1 & 3 to be deleted.
After Sr. No. 6 the following additions shall be made:—			
7. Commissioner (Appeals)-V Ahmedabad		1. Cir. II, Ahmedabad	1. A.R. II, Ahmedabad.
		2. Cir. III, Ahmedabad	2. A.R. III, Ahmedabad.
8. Commissioner (Appeals)-VI		1. Cir. IV, Ahmedabad	1. A.R. IV, Ahmedabad.
		2. Cir. VI, Ahmedabad	2. A.R. VI, Ahmedabad.

Where I.T. Circles, Wards, Districts or Ranges or part thereof stand transferred by this notification from one Commissioner of Income-tax (Appeals) charge to another Commissioner of Income-tax (Appeals) Charge, appeals arising out of assessments made in that I.T. Circles, Wards Districts or Ranges or part thereof and pending immediately before the date of this Notification before the Commissioner of Income-tax (Appeals) from whom that I.T. Circles, Wards, Districts or Ranges or part thereof are transferred, shall from the date of this Notification shall take effect be transferred to and dealt with by the Commissioner of Income-tax (Appeals) of the Commissioner of Income-tax (Appeals) Charge to whom the said Circles, Wards, Districts or Ranges or part thereof are transferred.

This notification shall take effect from 1-1-1979.

[2637/F. No. 261/22/78-ITS]

नई दिल्ली, 8 जनवरी, 1979

आयकर

क्र०सं० 2304.—श्री बी० टोछवांग और श्री आर०एन० बारा डिब्रूगढ़ में सहायक आयकर आयुक्त (अपील) के रूप में तैनात रहकर, 10-7-78 के ठीक पूर्व, क्रमशः रेंज I, डिब्रूगढ़ और रेंज II, डिब्रूगढ़ में समाविष्ट आयकर सक्तियों और वार्डों में आयकर के लिए निर्धारित व्यक्तियों और आयों की जाबत अपने कृत्यों का पालन करते चले आ रहे थे।

और आयकर निर्धारित उन व्यक्तियों और आयों की जाबत, जो 10-7-78 के ठीक पूर्व रेंज I डिब्रूगढ़ और रेंज II, डिब्रूगढ़ में समाविष्ट थे, सहायक आयकर आयुक्तों (अपील) की अधिकारिता अधिसूचना सं० 2383 (फा० सं० 261/7/78-आई टी जे) तारीख 7-7-78 द्वारा समाहित करके 10-7-78 डिब्रूगढ़ रेंज की प्राबलित कर दिया गया है।

और उक्त श्री बी० टोछवांग और श्री आर०एन० बारा डिब्रूगढ़ में तैनात सहायक आयकर आयुक्त (अपील) के रूप में अपनी अधिकारिता में लगातार अपने कृत्यों का पालन करता जारी रखे हुए हैं जिसकी अधिकारिता उक्त अधिसूचना के अनुसरण में 10-7-78 से डिब्रूगढ़ रेंज में समाविष्ट हो गई है।

अतः, अब, उनके द्वारा किए जाने वाले कार्यों के वितरण और प्राबलित के प्रयोजन के लिए केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 की धारा 122 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देता है कि नीचे की अनुसूची के स्तम्भ (1) में विनिर्दिष्ट सहायक आयकर आयुक्त (अपील), जिनके नाम उक्त अनुसूची के स्तम्भ (2) में उल्लिखित हैं, उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट आयकर सक्तियों और वार्डों में आयकर से निर्धारित व्यक्तियों और आयों के बारे में अपने कृत्यों का पालन करेंगे।

अनुसूची

रेंज	सहायक आयुक्त (अपील) का नाम	आयकर सक्ति/वार्ड
1	2	3
डिब्रूगढ़ रेंज, डिब्रूगढ़	श्री बी० टोछवांग	(i) बेतन सक्ति, डिब्रूगढ़ (ii) ध-वार्ड, डिब्रूगढ़ (iii) ड-वार्ड, डिब्रूगढ़, (iv) तिनमुकिया और डिगबोई आयकर सक्तियों के सभी वार्ड।
डिब्रूगढ़ रेंज, डिब्रूगढ़	श्री आर०एन० बारा	(i) आयकर केन्द्रीय सक्ति, डिब्रूगढ़ (ii) संपदा नगर एवं आयकर सक्ति, डिब्रूगढ़। (iii) आयकर सक्ति डिब्रूगढ़ के सभी वार्ड (उन्हें छोड़कर जो श्री बी० टोछवांग को प्राबलित किए गए हैं)

यह अधिसूचना 10-7-1978 से प्रभावी मानी जाएगी और तब तक प्रभावी मानी जाएगी जब तक कि इसमें ऊपर उल्लिखित दोनों सहायक आयुक्तों (अपील) में से कोई एक किसी समुचित आदेश द्वारा या अन्यथा कृत्य करना समाप्त नहीं कर देता है।

[सं० 2640/261/25/78-आई० टी० के०]

New Delhi, the 6th January, 1979
(INCOME-TAX)

S. O. 2304.—Whereas Shri V. Tochhawng and Shri R.N. Bara had been performing their functions as Appellate Assistant Commissioners of Income-tax being posted as such at Dibrugarh in respect of persons and income assessed to Income-tax in the Income tax Circles and Wards comprised in Range-I, Dibrugarh and Range-II, Dibrugarh respectively immediately prior to 10-7-78.

And whereas the jurisdiction of Appellate Assistant Commissioners of Income-tax in respect of the same persons and income assessed to Income-tax as were comprised in Range-I, Dibrugarh and Range-II, Dibrugarh immediately prior to 10-7-78 have been allotted to Dibrugarh Range by way of amalgamation by Notification No. 2383 (F. No. 261/7/78-ITJ) dated 7-7-78 with effect from 10-7-78.

And whereas the said Shri V. Tochhawng and Shri R.N. Bara continue to function as Appellate Assistant Commissioners of Income-tax posted at Dibrugarh having their jurisdiction comprised in Dibrugarh Range with effect from 10-7-78 in pursuance of the said Notification.

Now, therefore, for the purposes of distribution and allocation of the work to be performed by them, in exercise of the powers conferred by sub-section (2) of S. 122 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Range specified in column (1) and whose names are mentioned in column (2) of the schedule below shall perform their functions in respect of persons and incomes assessed to Income-tax in the Income-tax Circles and Wards specified in column (3) of the said Schedule.

SCHEDULE

Range	Name of the AAC	Income-tax Circles/Wards
(1)	(2)	(3)
Dibrugarh Range Dibrugarh	Shri V. Tochhawng	(i) Salary Circle, Dibrugarh. (ii) D-Ward, Dibrugarh. (iii) E-Ward, Dibrugarh. (iv) All Wards of Income-tax Circles, Tinsukia and Digboi.
Dibrugarh Range, Dibrugarh	Shri R.N. Bara	(i) Income-tax Central Circle, Dibrugarh (ii) E.D.-Cum-IT. Circle, Dibrugarh. (iii) All Wards of Income-tax Circles, Dibrugarh excluding those allotted to Shri V. Tochhawng.

This notification shall be deemed to have taken effect from 10-7-78 and shall continue to have effect until any of the two AACs mentioned hereinabove ceases to function as such by operation of any appropriate orders or otherwise.

[No. 2640/261/25/78-ITJ]

नई दिल्ली, 8 जनवरी, 1979

क्र.सं. 2305—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121-क की उपधारा (1) द्वारा प्रवृत्त व्यक्तियों का प्रयोग करते हुए और पहले जारी की गई अधिसूचना का आंशिक उपास्तरण करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निदेश देता है कि नीचे की अनुसूची के स्तम्भ (1) में विनिर्दिष्ट भारसाधकों के आयकर आयुक्त (अपील) उससे स्तम्भ (2) और स्तम्भ (3) में की तत्सम्बन्धी प्रविष्टि में विनिर्दिष्ट आयकर अधिकारियों, वार्डों, जिलों और रेंजों में आयकर या अधिकर या ब्याज-कर से निर्धारित सभी ऐसे व्यक्तियों के बारे में जो आयकर अधिनियम, 1961 की धारा 246 की उपधारा (1) के खण्ड (क) से (ज) कम्पनी (लाभ) अधिकर अधिनियम 1964 की धारा 2 की उपधारा (1), ब्याज कर अधिनियम, 1974 की धारा 15 की उपधारा (1) में वर्णित किसी प्रादेश से व्यक्तित्व हों और ऐसे व्यक्तियों या व्यक्तियों के वर्गों के बारे में भी, जैसा कि बोर्ड ने आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (1) के उपबन्धों के अनुसार निदेश दिया है या भविष्य में निदेश दे, अपने कृत्यों का पालन करेंगे।

अनुसूची

भारसाधन (वार्ज) मुख्यालय सहित	आयकर वार्ड/सकिल और जिला	आयकर सं.सं. (निं.) रेंज
1	2	3
आयुक्त (अपील)-III, नई दिल्ली	आयकर सं.सं. (निं.) रेंज 2-ख, 2-घ, 2-ङ, 2-च और 2-छ, नई दिल्ली की अधिकारिता में के सभी वार्ड/सकिल।	आयकर आयुक्त दिल्ली-II की अधिकारिता के भीतर के रेंज-2ख, 2-घ, 2-ङ, 2-च और छ।
आयुक्त (अपील)-II, नई दिल्ली	सं.सं. (निं.) रेंज, 2-क, नई दिल्ली की अधिकारिता में के सभी वार्ड/सकिल।	आयकर आयुक्त दिल्ली-II की अधिकारिता में का रेंज 2-क।
आयुक्त (अपील)-VIII, नई दिल्ली	सं.सं. (निं.) रेंज 1, नई दिल्ली, मेरठ रेंज और रेंज-II-घ, नई दिल्ली की अधिकारिता में के सभी वार्ड/सकिल।	आयकर आयुक्त, दिल्ली (केन्द्रीय I) और दिल्ली IV, नई दिल्ली की अधिकारिता में के केन्द्रीय रेंज 1, नई दिल्ली, मेरठ रेंज III-घ, नई दिल्ली।

1	2	3
प्रायुक्त (अपील)-VI, नई दिल्ली	सं० घा० (नि०) रेंज, 3-क, रेंज 3-ख, नई दिल्ली की अधिकारिता में के सभी वार्ड/सर्किल।	प्रायुक्त प्रायुक्त दिल्ली, 4-नई दिल्ली की अधिकारिता में के रेंज 3-क, 3-ख और 3-ग।
प्रायुक्त (अपील) IX, नई दिल्ली	सं० घा० (नि०), केन्द्रीय रेंज 2, 3 और रेंज-3-ग नई दिल्ली की अधिकारिता में के सभी वार्ड/सर्किल।	प्रायुक्त प्रायुक्त दिल्ली (के)-II और दिल्ली-4 की क्रमशः अधिकारिता में के केन्द्रीय रेंज 2 और 3, रेंज 3 ग।

जहाँ कोई प्रायुक्त सर्किल, वार्ड या जिला या उसका भाग इस अधिसूचना द्वारा एक भारसाधन से किसी अन्य भारसाधन को अन्तर्गत हो जाता है, वहाँ उस प्रायुक्त सर्किल, वार्ड या जिले या उसके भाग में किए गए निर्धारणों से उत्पन्न होने वाली और उस भारसाधन के जिससे वह प्रायुक्त सर्किल, वार्ड या जिला या उसका भाग अन्तर्गत हुआ है, प्रायुक्त प्रायुक्त (अपील) के समक्ष इस अधिसूचना की तारीख से ठीक पूर्व अर्थात् अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस भारसाधन के, जिसको उक्त सर्किल, वार्ड या जिला या उसका भाग अन्तर्गत हुआ है प्रायुक्त प्रायुक्त (अपील) को अन्तर्गत की जाएगी और उसके द्वारा उन पर कार्यवाही की जाएगी।

यह अधिसूचना 5-1-79 से प्रभावी होगी।

[नं० 2647/फा०सं० 261/2/78-आई०टी०जे०]

New Delhi, the 8th January, 1979

S.O. 2305.— In exercise of the powers conferred by sub-section (1) of section 121-A of the Income-tax Act, 1961 (43 of 1961) and in partial modification of the notification issued earlier, the Central Board of Direct Taxes hereby direct that the Commissioner of Income-tax (Appeals) of the Charges specified in Col. No. (1) of the Schedule below, shall perform their functions in respect of such persons assessed to Income-tax or Sur-tax or Interest-tax in the Income-tax Wards, Circles, Districts and Ranges specified in the corresponding entries in columns (2) and col. (3) thereof as are aggrieved by any of the orders mentioned in clauses (a) to (h) of sub-section (2) of Section 246 of the Income-tax Act, 1961 in sub-section (1) of Section II of Companies (Profits) Sur-tax Act, 1964 (7 of 1964) and in sub-section (1) of Section 15 of the Interest Tax Act, 1974 (45 of 1974) and also in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the provisions of clause (i) of sub-section (2) of Section 246 of the Income-tax Act, 1961:—

SCHEDULE

Charges with Headquarters	Income-tax Wards/Circles & Distts.	Ranges of I.A.Cs. of Income-tax
(1)	(2)	(3)
Commissioner (Appeals)-III New Delhi	All Wards/Circles within the jurisdiction of IAC of Income-tax, Range-II-B, II-D, II-E, II-F, & II-G, New Delhi.	Ranges-II-B, II-D, II-E, II-F and II-G within the jurisdiction of Commissioner of Income-tax, Delhi-II.
Commissioner (Appeals)-II New Delhi	All Wards/Circles within the jurisdiction of IAC Range-II-A, New Delhi.	Range-II-A within the jurisdiction of Commissioner of Income-tax, Delhi-II.
Commissioner (Appeals)-VI New Delhi.	All Wards/Circles within the jurisdiction of IAC Range-III-A, III-B, N. Delhi.	Range-III-A, III-E, III-B within the jurisdiction of Commissioner of Income-tax Delhi-IV, New Delhi.
Commissioner (Appeals)-VIII, New Delhi	All/Wards/Circles within the jurisdiction of IAC C. Range-I, New Delhi, Meerut Range and Range-III-D, New Delhi.	Central Range-I, N. Delhi, Meerut Range and Range-III-D, New Delhi within the jurisdiction of Commissioner of I. Tax Delhi (Cen. I) & Delhi-IV New Delhi.
Commissioner (Appeals)-IX New Delhi	All Wards/Circles within the jurisdiction of IAC Central Range-II, III & Range-III-C, New Delhi.	Central Range-II & III, Range-III-C within the jurisdiction of Commissioner of Income-tax, Delhi (C)-II and Delhi-IV respectively.

Whereas an Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Charge to another Charge, appeals arising out of assessment made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this Notification before the Commissioner of Income-tax of the Charge from whom the Income-tax Circle, Ward, or District or part thereof is transferred shall, from the date of this Notification takes effect, be transferred to and dealt with by the Commissioner of Income-tax of the Charge to whom the said Circle, Ward or district or part thereof is transferred.

This notification shall take effect from 5-1-1979.

[No. 2647/F. No. 261/2/78-IT]

नई दिल्ली, 11 जनवरी, 1979

कां.भां. 2306.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रवृत्त शक्तियों और उस निमित्त उसे समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, समय समय पर यथासंशोधित अपनी अधिसूचना सं. 2383 (फा.सं. 261/7/78-आई टी जे) तारीख 7 जुलाई, 1978 के साथ संलग्न अनुसूची में निम्नलिखित संशोधन करता है।

I उक्त अनुसूची के स्तम्भ 2 के नीचे सहायक आयुक्त अपील रेंज ब, मद्रास के सामने निम्नलिखित रखा जाएगा :

1. कम्पनी सर्किल, मद्रास (सभी अनुभाग)
2. वेल्लोर सर्किल
3. सम्पदाकर एवं आयकर सर्किल, मद्रास
4. सम्पदाकर एवं आयकर सर्किल, तंजावुर
5. सम्पदाकर एवं आयकर सर्किल, मदुराई
6. सम्पदाकर एवं आयकर सर्किल, कोयम्बटूर
7. नगर सर्किल 3, मद्रास
8. नगर सर्किल-4, मद्रास
9. केन्द्रीय सर्किल, 1 से 17, मद्रास
10. विशेष अन्वेषण सर्किल क और ख, मद्रास
11. विशेष अन्वेषण सर्किल I, मद्रास
12. विशेष अन्वेषण सर्किल II, मद्रास
13. केन्द्रीय सर्किल 1 और 2, कोयम्बटूर
14. विशेष अन्वेषण सर्किल, कोयम्बटूर
15. तम्बरम सर्किल (सभी अनुभाग)
16. कांचीपुरम सर्किल (सभी अनुभाग)
17. हंजी सर्किल 1 और 2, मद्रास
18. कुहेरालोर सर्किल (सभी अनुभाग)
19. पांडिचेरी सर्किल (सभी अनुभाग)
20. विल्लुपुरम सर्किल (सभी अनुभाग)
21. बाग पट्टिनम सर्किल (सभी अनुभाग)
22. थंजापुर सर्किल (सभी अनुभाग)
23. कुम्बकोणम सर्किल (सभी अनुभाग)

II. उक्त अनुसूची में, स्तम्भ 1 और 2 में निम्नलिखित विद्यमान प्रविष्टियों का शेष किया जाएगा।

सहायक आयुक्त अपील 1 नगर सर्किल-3
रेंज ग, मद्रास

यह अधिसूचना 1-1-1979 से प्रभावी होगी।

[सं. 2655/फा.सं. 261/12/78-आई. टी. जे.]

New Delhi, the 11th January, 1979

S.O. 2306.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961), and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendments to the schedule appended to its notification No. 2383 (F. No. 261/7/78-ITJ) dated the 7th July, 1978 as amended from time to time.

I. In the said schedule under Col. 2 against Appellate Assistant Commissioner, Range-B, Madras, the following shall be substituted.

1. Company Circle-II, Madras (All Sections)
2. Vellore Circle
3. Estate Duty-cum-Incometax Circle, Madras
4. Estate Duty-cum-Incometax Circle, Tanjavur
5. Estate Duty-cum-Incometax Circle, Madurai
6. Estate Duty-cum-Incometax Circle, Coimbatore.
7. City Circle-III, Madras
8. City Circle-IV, Madras
9. Central Circles-I to XVII, Madras.
10. Special Investigation Circle-'A' & 'B' Madras

11. Special Investigation Circle-I, Madras
12. Special Investigation Circle-II, Madras
13. Central Circles I and II, Coimbatore
14. Special Investigation Circle, Coimbatore
15. Tambaram Circle (All Sections)
16. Kancheepuram Circle (All Sections)
17. Hundi Circles-I & II, Madras.
18. Cuddalore Circle (All Sections)
19. Pondicherry Circle (All Sections)
20. Villupuram Circle (All Sections)
21. Nagapattinam Circle (All Sections)
22. Thanjavur Circle (All Sections)
23. Kumbakonam Circle (All Sections)

II. In the said schedule under Col. 1 & 2 the following/existing entry shall be deleted :

AAC, Range-C, Madras

1. City Circle-III, Madras.

This notification shall take effect from 1-1-1979.

EXPLANATORY NOTE :

These amendments have become necessary on account of the abolition of the Appellate Assistant Commissioner, Range-C, Madras.

[No. 2655/F. No. 261/12/78-ITJ]

कां.भां. 2307.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, और अपने पूर्वतम आदेश सं. 2415 (फा.सं. 261/6/78-आई. टी. जे.) तारीख 18 जुलाई, 1978 का अंशतः उपान्तरण करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निवेश देता है कि इससे उपाखण्ड अनुसूची में स्तम्भ 3 में, मुजफ्फरपुर रेंज के नीचे कम संख्या 2 में आयकर अधिकारी, सर्वोच्च दरभंगा मंच (11) के रूप में जोड़ा जाएगा।

यह अधिसूचना 20-7-1978 से प्रभावी होगी।

[सं. 2656/फा.सं. 261/6/78-आई. टी. जे.]

S.O. 2307.—In exercise of the powers conferred by sub-section (i) of Section 122 of the Income-tax Act, 1961 (43 of 1961), and of all other powers enabling it in that behalf, and in partial modification of its earlier order No. 2415 (F. No. 261/6/78-ITJ) dated the 18th July, 1978 the Central Board of Direct Taxes hereby directs that in the schedule Board hereto in Sl. 2 under Muzaffarpur Range, I.T.O. Survey, Darbhanga shall be added as item (xi) in column thereof.

This notification shall have effect from 20-7-1978.

[No. 2656/F. No. 261/6/78-ITJ]

नई दिल्ली, 31 जनवरी, 1979

शुद्धि-पत्र

कां.भां. 2308.—(अपील) हैदराबाद की अधिकारिता सम्बन्धी केन्द्रीय प्रत्यक्ष कर बोर्ड की अधिसूचना सं. 2653 (फा.सं. 261/19/78-आई टी जे) तारीख 10-1-79 में, उक्त अनुसूची के पृष्ठ 1 पर फा.कं.भां. (अपील)-1, हैदराबाद के सामने स्तम्भ 3 की कम संख्या 2 में,

“आयकर रेंज II का.सं. प्रा. (नि.) हैदराबाद (जहाँ तक सम्मान सर्किल का सम्बन्ध है)” के स्थान पर “आयकर रेंज III, हैदराबाद का.सं. प्रा. (नि.) (जहाँ तक सम्मान सर्किल का सम्बन्ध है)” पढ़ें।

[सं. 2706/फा. सं. 261/19/78-आई टी जे]

New Delhi, the 31st January, 1979

CORRIGENDUM

S.O. 2308.—In the notification of the Central Board of Direct Taxes No. 2653 (F. No. 261/19/78-ITJ) dated 10-1-79 for the jurisdiction of CIT (Appeal)-I, Hyderabad.

At page 1 of the said schedule against CIT (Appeals)-I Hyderabad in S. No. 2 of Col. 3,

For "IAC of I.T. Range-II, Hyderabad (in so far as Khammam Circle is concerned)"

Read "IAC of I.T. Range-III Hyderabad (in so far as Khammam Circle is concerned)"

[No. 2706/F. No. 261/19/78-ITJ]

सई दिल्ली, 1 मार्च, 1979

क्र.सं. 2309.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस सम्बन्ध में सभी पूर्ववर्ती अधिसूचनाओं को अधिकांश करते हुए, यह निदेश देता है कि नीचे की अनुसूची के स्तम्भ (1) में विनिर्दिष्ट रेंजों का सहायक आयकर प्रायुक्त अपील उसके स्तम्भ (2) में की तत्सम्बन्धी प्रविष्टि में विनिर्दिष्ट आयकर सफिलों वाडों और जिलों में, आयकर के लिए निर्धारित ऐसे व्यक्तियों और आयों को छोड़कर जिन पर अधिकांशित आयकर प्रायुक्त (अपील) में निहित है, आयकर के लिए निर्धारित सभी व्यक्तियों और आयों की बाबत अपने कृत्यों का पालन करेगा।

अनुसूची

क्रम सहायक आयुक्त अपील का रेंज आय कर सफिल, वाडें और जिला संख्या

1	2	3
1. सहायक आयकर प्रायुक्त अपील क-रेंज, हैदराबाद	1. सफिल-3, हैदराबाद 2. खम्माम सफिल 3. राज मुन्वरी सफिल	
2. सहायक आयकर प्रायुक्त अपील ख-रेंज, हैदराबाद	1. सफिल 1, हैदराबाद 2. करीम नगर सफिल 3. विशेष सफिल 2, हैदराबाद 4. संगरेडुडी सफिल 5. विशेष सफिल 1, हैदराबाद (पुराना) 6. सलारी सफिल, हैदराबाद	
3. सहायक आयकर प्रायुक्त अपील ग-रेंज, हैदराबाद	1. सफिल 2, हैदराबाद 2. निजामाबाद सफिल 3. नीरमल सफिल 4. महबूब नगर सफिल 5. वारंगल सफिल	
4. सहायक आयकर प्रायुक्त अपील ड-य रेंज, हैदराबाद	1. कुरुल सफिल 2. नन्दयाल सफिल 3. नेल्लोर सफिल 4. नेल्लोर सीका सफिल (पुराना) 5. वापटला सफिल 6. ओगने सफिल 7. परियोजना सफिल, हैदराबाद 8. नाल गोंडा सफिल 9. केन्द्रीय सफिल, हैदराबाद (पुराना)	

1	2	3
		10. केन्द्रीय सफिल, 1, 2 और 3, हैदराबाद
5. सहायक आयकर प्रायुक्त अपील, विजयवाड़ा	1. विजयवाड़ा सफिल 2. मणिल पत्तनम् सफिल 3. तेनाली सफिल 4. केन्द्रीय सफिल, विजयवाड़ा, 3. गूटूर सफिल	
6. सहायक आयकर प्रायुक्त अपील, अनन्तपुर रेंज, अनन्तपुर	1. अनन्तपुर सफिल 2. हिन्दू पुर सफिल 3. कुडपा सफिल 4. प्रोक्कुर सफिल 5. तिरुपति सफिल 6. चित्तूर सफिल 7. भवानी सफिल	
8. सहायक आयकर प्रायुक्त अपील, काकीनाडा रेंज, काकीनाडा	1. सफिल 1, काकीनाडा 2. सफिल 2, काकीनाडा 3. पालकोल सफिल 4. धनकू सफिल 5. गुडी बरा सफिल	
8. सहायक आयकर प्रायुक्त अपील, विशाखापत्तनम् रेंज, विशाखा-पत्तनम्	1. विशाखापत्तनम् सफिल 2. भनकापल्ली सफिल 3. चिजियंगम सफिल 4. श्रीकाकुलम सफिल 5. भ्रमलापुरम सफिल 6. मलर सफिल	

जहां कोई आयकर सफिल, वाडें या जिला या उसका कोई भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज को स्थानांतरित हो जाता है वहां उस आयकर सफिल वाडें या जिला या उसके भाग में किए गए निर्धारण से उत्पन्न होने वाली और उस रेंज के जिससे आयकर सफिल वाडें या जिला या उसका भाग अन्तर्गत हुआ सहायक प्रायुक्त (अपील) के समक्ष लम्बित अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है उस रेंज के जिस को उक्त सफिल, वाडें या जिला या उसका कोई भाग अन्तर्गत हुआ है सहायक आयकर प्रायुक्त अपील को अन्तर्गत की जाएगी और उस पर उसके द्वारा कार्यवाही की जाएगी।

यह अधिसूचना 1-3-79 से प्रभावी होगी।

[सं. 2741/261/19/78-आई.टी.जे.]

New Delhi, 1st March, 1979

S.O. 2309.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard the Central Board of Direct Taxes, hereby directs that Appellate Assistant Commissioner of Income-tax of the Ranges specified in column (1) of the Schedule below shall perform their functions in respect of all persons and income assessed to Income-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column (2) thereof excluding all persons and incomes assessed to Income-tax over which the jurisdiction vests in Commissioner of Income-tax (Appeals).

SCHEDULE

SCHEDULE			1	2	3
Appellate Assistant S. No. Commissioner's Range	Income-tax Circle, Ward and District				
1	2	3			
1. Appellate Assistant Commissioner of Income-tax, A Range, Hyderabad.	1. Circle-III, Hyderabad. 2. Khamman Circle. 3. Rajahmundry Circle.		6 Appellate Assistant Commissioner of Income-tax, Anantpur Range Anantpur.		1. Anantpur Circle 2. Hindupur Circle. 3. Cuddapah Circle. 4. Proddatur Circle. 5. Tirupati Circle. 6. Chittoor Circle 7. Adoni Circle.
2. Appellate Assistant Commissioner of Income-Tax B-Range, Hyderabad.	1. Circle-I, Hyderabad. 2. Karimnagar Circle 3. Special Circle-II, Hyderabad. 4. Sangareddy Circle. 5. Special Circle-I, Hyd (Old) 6. Salary Circle, Hyderabad.		7. Appellate Assistant Commissioner of Income-tax, Kakinada Range, Kakinada.		1. Circle-I, Kakinada. 2. Circle-II, Kakinada 3. Palacole Circle. 4. Tanuku Circle. 5. Cudivada Circle.
3. Appellate Assistant Commissioner of Income-tax, C-Range Hyderabad.	1. Circle-II, Hyderabad. 2. Nizamabad Circle. 3. Nirmal Circle. 4. Mahaboobnagar Circle. 5. Warangal Circle.		Appellate Assistant Commissioner of Income-tax, Visakhapatnam Range, Visakhapatnam.		1. Visakhapatnam Circle. 2. Anakapalli Circle. 3. Vizianagaram Circle. 4. Srikakulam Circle. 5. Anaparthi Circle. 6. Eluru Circle.
4. Appellate Assistant Commissioner of Income-tax, E-D. Range Hyderabad.	1. Kurnool Circle. 2. Nandyal Circle. 3. Nellore Circle. 4. Nellore Mica Circle (Old). 5. Bapatla Circle. 6. Ongole Circle. 7. Project Circle Hyd. 8. Nalgonda Circle. 9. Central Circle, Hyderabad Old. 10. Central Circle-I, II & III. Hyderabad.		Where an Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle/Ward or District or part thereof and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of Income-tax of the Range from which the Income-tax Circle/Ward or District of Part thereof is transferred, shall from the date of this notification takes effect, be transferred to and dealt with by the Appellate Assistant Commissioner of Income-tax of the Range to whom the said Circle, Ward or District or Part thereof is transferred.		
5 Appellate Assistant Commissioner of Income-tax, Vijayawada.	1. Vijayawada Circle. 2. Machilpatnam Circle. 3. Tonal Circle. 4. Central Circle, Vijayawada. 5. Guntur Circle.		This Notification shall take effect from 1-3-1979.		

EXPLANATORY NOTE

The amendments have become necessary on account of re-allocation of jurisdiction of the Appellate Assistant Commissioner of Income-tax in the Charges of Andhra Pradesh.

(This note does not form part of the notification but it intended to be merely clarificatory).

[No. 2741/261/19/78-ITJ]

S. K. BHATNAGAR, Under Secy.

नई दिल्ली, 10 मार्च, 1979

कां० प्र० 2310. आयकर अधिनियम, 1961 (1961 का 43) की धारा 121क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निवेदन देता है कि नीचे की अनुसूची के स्तम्भ (1) में विनिर्दिष्ट भारसाधकों के आयकर आयुक्त (अपील) उनके स्तम्भ (2) और (3) में की तत्संबंधी प्रविष्टि में विनिर्दिष्ट सर्किलों, वार्डों, जिलों और रेंजों में आयकर या अधिपर या व्यापकर से निर्धारित सभी ऐसे व्यक्तियों के बारे में, जो आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (क) से (ज), कम्पनी (लाभ) अधिपर अधिनियम, 1964 की धारा 2 की उपधारा (1), व्यापकर अधिनियम, 1974 की धारा 15 की उपधारा (1) में उल्लिखित किसी प्रादेश द्वारा अधिपर हों, और ऐसे व्यक्तियों या व्यक्तियों के वर्गों की वास्तविकता भी, जैसा कि बोर्ड ने आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (1) के उपबन्धों के अनुसार निर्देश दिया है या भविष्य में निर्देश दे, अपने कृत्यों का पालन करेंगे।

भारसावन, नुब्यालय सहित	मनुष्यी	सहायक आयकर आयुक्त (निरिक्षण) का रेंज
1	2	3
1. आयुक्त (धनील) आयकर	<ol style="list-style-type: none"> 1. सकिल 1, हैदराबाद 2. बम्बाम सकिल 3. केसन सकिल, हैदराबाद 4. विशेष सकिल 1, हैदराबाद 5. विशेष सकिल 2, हैदराबाद 6. विशेष सकिल 3, हैदराबाद 7. विशेष सकिल (पुराना), हैदराबाद 8. अडोनी सकिल 9. केन्द्रीय सकिल हैदराबाद (पुराना) 10. परियोजना सकिल, हैदराबाद 11. हालगोडा सकिल 12. बम्पली सकिल, हैदराबाद 13. केन्द्रीय सकिल 1, 2 और 3, हैदराबाद 14. केन्द्रीय सकिल, विजयवाड़ा 15. केन्द्रीय सकिल, काकीनादा 16. ओंगोले सकिल 17. बापटला सकिल 18. तेनाली सकिल 19. गुंटूर सकिल 20. विजयवाड़ा सकिल 21. मछली पटनम सकिल 22. गुडी बाड़ा सकिल 	<ol style="list-style-type: none"> 1. संभांभां (नि०) रेंज, I हैदराबाद (जहाँ तक सकिल 1, हैदराबाद सम्बद्ध है) 2. संभांभां (नि०), रेंज II, हैदराबाद (जहाँ तक बम्बाम सकिल सम्बद्ध है) 3. संभांभां (नि०) रेंज-IV हैदराबाद 4. संभांभां (नि०) रेंज V, हैदराबाद (जहाँ तक विशेष सकिल II, हैदराबाद, परियोजना सकिल, हैदराबाद और बालगोडा सकिल, गुंटूर सम्बद्ध है) 5. सहायक आयकर आ० (नि०) भनस्तपुर (जहाँ तक अडोनी सकिल सम्बद्ध है) 6. संभांभां (नि०) केन्द्रीय, हैदराबाद 7. संभांभां (नि०) नेल्सोर (जहाँ तक ओंगोले और बापटला सकिल सम्बद्ध है) 8. संभांभां (नि०) विजयवाड़ा
2. आयुक्त (अपील) 11, हैदराबाद	<ol style="list-style-type: none"> 1. सकिल 3, हैदराबाद 2. सकिल 2, हैदराबाद 3. बारंगल, सकिल 4. करीम नगर सकिल 5. सोनगारेड्डी सकिल 6. निजामाबाद सकिल 7. नीरमाल सकिल 8. महबूब नगर सकिल 9. करमूल सकिल 10. नानडयाल सकिल 11. भनस्तपुर सकिल 12. हिन्दूपुर सकिल 13. गुडप्पा सकिल 14. प्रोवतूर सकिल 15. चिलूर सकिल 16. तिरुपति सकिल 17. नेल्सोर सकिल 18. इलू सकिल 19. तनकू सकिल 20. पालामकोले सकिल 21. भीमनारायन सकिल 22. राजमन्धरी सकिल 23. काकीनादा सकिल 1 और 2 24. ग्रामाल पुरम सकिल 25. अमाकपल्ले सकिल 26. बिताखावल्लभ सकिल 27. विजय नगरम सकिल 28. श्रीकाकुलम सकिल 	<ol style="list-style-type: none"> 1. सहायक आयकर आ० (नि०) रेंज I, हैदराबाद (जहाँ तक करीम नगर सकिल सम्बद्ध है) 2. सहायक आयकर आ० (नि०) रेंज II, हैदराबाद 3. सहायक आयकर आ० (नि०) रेंज III, हैदराबाद (जहाँ तक सकिल 3 हैदराबाद और बारंगल सकिल सम्बद्ध है) 4. सहायक आयकर आ० (नि०) रेंज 5, हैदराबाद (जहाँ तक महबूब नगर सकिल और संगारेड्डी सकिल सम्बद्ध है) 5. सहायक आयकर आ० (नि०) बिताखावल्लभ पटनम 6. सहायक आयकर आ० (नि०) काकीनादा 7. सहायक आयकर आ० (नि०) भनस्तपुर (जहाँ तक कुरमूल सकिल, नाडयाल सकिल, भनस्तपुर सकिल, गुडप्पा सकिल और प्रोवतूर व हिन्दूपुर सकिल सम्बद्ध है) 8. सहायक आयकर आ० (नि०) नेल्सोर (बायटाला और ओंगोले सकिल को छोड़कर)।

यह अधिसूचना 1-2-1979 से प्रभावी होगी।

[सं० 2653/का०सं० 261/19/78-आई०टी०जे०]

New Delhi, the 10th January, 1979

S. O. 2310.—In exercise of the powers conferred by sub-sec. (1) of Sec. 121A of the I.T. Act, 61 (43 of 1961) the C.B.D.T. hereby directs that the Commissioner of Income-tax (Appeals) of the charges specified in column (1) of the Schedule below, shall perform the functions in respect of such persons assessed to Income-tax or sur-tax or interest-tax in the Income-tax Qards, Circles, District and Ranges specified in the corresponding entries in column (2) and column (3) thereof as are aggrieved by any of the orders mentioned in clause (a) to (h) of sub-section (2) of section 246 of the Income-tax Act, 1961, in sub-section (1) of section II of Companies (Profits) Surtax Act 1964 (7 of 1964) and in sub-section (1) of Section 15 of the Interest Tax Act, 1974 (43 of 1974) and also in respect of such persons or classes of persons as the Board has directed or may direct in future in according with the provisions of clause (1) of sub-section (2) of section 246 of the Income-tax Act, 1961.

SCHEDULE

Charges with Head-quarters	Income-tax Wards and Circles	Ranges of I.A.Cs. of Income-tax
1	2	3
1. Commissioner (Appeals)-I, Hyderabad	1. Circle, I Hyd. 2. Khammam Circle 3. Salary Circle, Hyd. 4. Special Circle-I, Hyderabad 5. Special Circle-II, Hyderabad 6. Spl. Circle-III, Hyd. 7. Spl. Cir. (Old), Hyd. 8. Adoni Circle 9. Central Circle (Hyderabad (Old) 10. Project Circle, Hyderabad 11. Nalgonda Circle 12. Company Cir., Hyd. 13. Central Circle-I, II & III, Hyd. 14. Central Circle, Vijayawada 15. Central Circle, Kakinada 16. Ongole Circle 17. Bapatla Circle 18. Tenali Circle 19. Guntur Circle 20. Vijayawada Circle 21. Machilipatanam Circle 22. Gudlavada Circle.	1. IAC of IT Range I, Hyd. (in so far as Cir. I Hyd. is concerned). 2. IAC of IT Range-II, Hyd. (in so far as Khammam Cir. is concerned). 3. IAC of IT Range-IV, Hyd. 4. IAC of IT Range-V, Hyd. (in so far as Spl. Cir. II, Hyd., Project Cir., Hyd and Nalgonda Cir. Guntur are concerned). 5. IAC of IT, Anantpur (in so far as Adoni Cir. is concerned). 6. IAC., Central, Hyderabad. 7. IAC., Nellore (in so far as Ongole & Bapatla circles are concerned). 8. IAC, Vilayawada.
2. Commissioner (Appeals)-II, Hyderabad	1. Circle III, Hyd. 2. Circle II, Hyd. 3. Warangal Circle 4. Karimnagar Cir. 5. Sangareddy Cir. 6. Nizamabad Cir. 7. Nirmal Circle 8. Mahabubnagar Circle 9. Karnool Circle 10. Nandyal Circle 11. Anantapur Circle 12. Hindupur Circle 13. Cuddapah Circle 14. Proddatur Circle 15. Chittoor Circle 16. Tirupati Circle 17. Nellore Circle 18. Eluru Circle 19. Tanuku Circle. 20. Palacole Circle. 21. Bhimavaran Circle. 22. Rajahmundry Cir. 23. Kakinada Circles I & II. 24. Amalapuram Circle. 25. Anakapalle Cir. 26. Visakhapatnam Circle. 27. Vizianagaram Circle. 28. Srikakulam Cir	1. IAC of IT Range-I, Hyd. (in so far as Karimnagar Cir. is concerned). 2. IAC of IT Range-II, Hyderabad. 3. IAC of IT Range III, Hyd. (in so far as Cir. III, Hyd. and Warangal Circles are concerned). 4. IAC of IT Range-V, Hyd. (in so far as Mahabubnagar Cir. & Sangareddy Cirs. are concerned). 5. IAC of IT, Visakhapatnam. 6. IAC of IT, Kakinada. 7. IAC of IT, Anantpur (in so far as Karnool Cir., Nandyal Cir., Anantpur Cir., Cuddapah Cir., & Proddatur & Hindupur Cirs. are concerned). 8. IAC of IT, Nellore (excluding Bapatla and Ongole Circles).

This Notification shall take effect from 1-2-1979.

EXPLANATORY NOTE:

The amendments have become necessary on account of re-allocation of jurisdiction of the Commissioners of Income-tax (Appeals) in the charge of Andhra Pradesh. (This note does not form part of the notification but is intended to be merely clarificatory).

[No. 2633/F. No. 2-61/19-78-ITJ]

सूचि पत्र

नई दिल्ली, 20 मार्च, 1979

का० प्रा० 2311.—सहायक आयुक्त (अपील) कलकत्ता की अधिकाृता संबंधी केन्द्रीय प्रत्यक्षकर बोर्ड की, अधिसूचना सं० 2383 (का० सं० 261/7/78-आई टी जे) तारीख 7 जुलाई, 1978 में, अनुसूची के स्तम्भ 2 में सहायक आयुक्त अपील (केन्द्रीय) रेंज 1, कलकत्ता के मामले,

आयकर केन्द्रीय सर्किल 1 से 32 के पञ्चान,

“और आयकर केन्द्रीय सर्किल कटक” अन्तर्स्थापित करे।

[सं० 2747 (261/13/78-आई टी जे)]

CORRIGENDUM

New Delhi, the 20th March, 1979

S.O. 2311.—In the notification of the Central Board of Direct Taxes No. 2383 (F. No. 261/7/78-ITJ) dated the 7th July, 1978 for the jurisdiction of Appellate Assistant Commissioners at Calcutta.

In column 2 of the schedule against AAC (Central) Range-I, Calcutta.

Insert “And I.T. Central Circle-Cuttack” after I.T. Central Circles I to XXXII.

[No. 2747(261/13/78-ITJ)]

का० प्रा० 2312.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस संबंध में सभी पूर्ववर्ती अधिसूचनाओं काशिक उपान्तरण करते हुए, यह निवेश देता है कि नीचे की अनुसूची के स्तम्भ (1) में विनिर्दिष्ट रेंजों के सहायक आयुक्त अपील उसके स्तम्भ (2) में की तत्संबंधी प्रविष्टि आयकर सर्किलों, बाडों और जिलों में आयकर के लिए निर्धारित ऐसे व्यक्तियों और प्रायों को छोड़कर जिन पर अधिकाृता आयकर आयुक्त (अपील) में विहित है, आयकर के लिए निर्धारित सभी व्यक्तियों और प्रायों की बाबत अपने हस्तों का पालन करेगा।

अनुसूची

रेंज	आयकर सर्किल/बाड और जिला
1	2
1. गोहाटी रेंज, गोहाटी	(i) आयकर विशेष सर्किल, गोहाटी (ii) आयकर सर्किल गोहाटी, नालबाड़ी, धुब्री, इम्फाल शिलांग, सिलचर, करीमगंज अगरतला के सभी बाडें।
2. जोरहाट रेंज, जोरहाट	(i) आयकर सर्किल जोरहाट गोलाघाट तेजपुर, नोगांव और बीमापुर के सभी बाडें।
3. डिब्रूगढ़ रेंज, डिब्रूगढ़	(i) आयकर केन्द्रीय सर्किल, डिब्रूगढ़ (ii) संपदा मुल्क एण्ड आयकर सर्किल, डिब्रूगढ़ (iii) आयकर सर्किल शिवसागर डिब्रूगढ़, डिगबोई और तिनसुकिया के सभी बाडें।

जहां कोई आयकर सर्किल, बाड या जिला या उसका भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज को स्वतन्त्रित हो जाता है वहां उस आयकर सर्किल, बाड या जिला या उस के भाग में किए गए कर निर्धारण से उत्पन्न होने वाली उस रेंज के जिससे आयकर सर्किल, बाड या जिला या उसका भाग अन्तरित हुआ है सहायक आयुक्त (अपील) के समक्ष इस अधिसूचना की तारीख से ठीक पूर्व लब्धित अपीलें उस तारीख

से जिस तारीख को यह अधिसूचना प्रभावी होगी है उस रेंज के जिसको उक्त आयकर सर्किल, बाड या जिला या उसका भाग अन्तरित हुआ है सहायक आयुक्त (अपील) को अन्तरित की जाएगी और उस पर उसके द्वारा कार्यवाही की जाएगी।

यह अधिसूचना 20-3-1979 से प्रभावी होगी।

[सं० 2748/261/25/78-आई टी जे०]

S.O. 2312.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income tax Act, 1961 (43 of 1961) and in partial modification of all the previous notifications in this regard, the Central Board of Direct Taxes, hereby directs that Appellate Assistant Commissioner of Income-tax of the Ranges specified in column (1) of the Schedule below, shall perform their functions in respect of all persons and income assessed to income-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column (2) thereof excluding all persons and incomes assessed to Income-tax over which the jurisdiction vests in Commissioner of Income-tax (Appeals)

SCHEDULE

Range	Income-tax Circle/Wards and Districts
(1)	(2)
1. Gauhati Range, Gauhati	(i) Income-tax Special Circle, Gauhati. (ii) All Wards of Income-tax Circles Gauhati, Nalbari, Dhubri, Imphal Shillong, Silchar, Karimganj, Agartala.
2. Jorhat Range, Jorhat	(i) All Wards of Income-tax Circles Jorhat, Golaghat, Tezpur Nowgong and Dimapur.
3. Dibrugarh Range, Dibrugarh	(i) Income-tax Central Circle, Dibrugarh. (ii) E.D. Cum I.T. Circle, Dibrugarh. (iii) All Wards of Income-tax Circles Sibsagar, Dibrugarh, Digboi & Tinsukia.

Whereas the Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of the assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of the Range from whom the Income-tax Circle, Ward or District or part thereof is transferred shall from the date of this Notification takes effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 20-3-1979.

[No. 2748/261/25/78-ITJ]

सुद्धि-पत्र

नई दिल्ली, 12 अप्रैल, 1979.

क्रा० प्रा० 2313.—सहायक आयुक्त (अपील) हैदराबाद की अधिकारिता संबंधी केन्द्रीय प्रत्यक्ष कर बोर्ड की अधिसूचना सं० 2741 (फा० सं० 261/10/78 आई टी जे), तारीख 1-3-79 में, अनुसूची की क्रमसंख्या 2 में, स्तम्भ "3" में सहायक आयुक्त (अपील), ख रेंज, हैदराबाद के सामने, मव 6 के पश्चात्,

7. "विशेष सर्किल-3, हैदराबाद" जोड़े,

अनुसूची की क्रमसंख्या 4 में, स्तम्भ "3" में सहायक आयुक्त (अपील), सं० शुल्क रेंज, हैदराबाद के सामने, मव 10 के पश्चात्,—

11. "कम्पनी सर्किल, हैदराबाद", जोड़े,

अनुसूची की क्रमसंख्या 7 में, स्तम्भ "3" में सहायक आयुक्त (अपील), काकी नाडा रेंज, काकी नाडा के सामने मव 5 के पश्चात्,—

6 "केन्द्रीय सर्किल, काकी नाडा", और

7. "भिमवरन सर्किल" जोड़े।

[सं० 2770 (फा० सं० 261/19/78-आई टी जे)]

CORRIGENDUM

New Delhi, the 12th April, 1979

S.O. 2313.—In the Notification of the Central Board of Direct Taxes No. 2741 (F. No. 261/10/78-ITJ) dated 1-3-79 for the jurisdiction of Appellate Assistant Commissioner, Hyderabad.

In Serial No. 2 of the Schedule : Against AAC, B-Range, Hyderabad in Column "3": after item 6 add

7. "Special Circle-III, Hyderabad".

In Serial No. 4 of the Schedule against AAC, E. D. Range, Hyderabad in Column 3 after item 10 add

11. "Company Circle, Hyderabad".

In Serial No. 7 of the Schedule Against AAC, Kakinada Range, Kakinada in Column "3" after item 5 add

6. "Central Circle, Kakinada" and

7. "Bhimavaram Circle".

[No. 2770 (F. No. 261/19/78-ITJ)]

नई दिल्ली, 28 अप्रैल, 1979

क्रा०प्रा० 2314.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 121-क की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और पूर्ववर्ती अधिसूचनाओं को अधिकांश करते हुए, निवेश देता है कि नीचे की अनुसूची के स्तम्भ (2) में विनिर्दिष्ट भारसाधकों के आयकर आयुक्त (अपील) उसके स्तम्भ (2) और स्तम्भ (3) की तत्संबंधी प्रविष्टियों में विनिर्दिष्ट आयकर बाडों, सर्किलों, जिलों और रेंजों में आय कर या भतिकर या व्यापकर के लिए निर्धारित ऐसे व्यक्तियों की बाबत जो आयकर अधिनियम 1961 की धारा 246 की उपधारा (2) के खण्ड (क) से (ज) में, कम्पनी (लाभ) भतिकर अधिनियम, 1964 (1964 का 7) की धारा (2) की उपधारा (1) में और व्याप कर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) में उल्लिखित किसी आवेग से व्यक्त हों और ऐसे व्यक्तियों या व्यक्तियों के वर्गों की बाबत भी, जैसा बोर्ड ने आय कर अधिनियम, 1961 की उपधारा (2) के खण्ड (1) के उपबन्धों के अनुसार निवेश दिया है या भविष्य में निवेश दे; अपने कृत्य करेंगे।

अनुसूची

भारसाधन और मुख्यालय	आयकर बोर्ड और सर्किल	सहायक आयुक्त आयुक्त (निरीक्षण) के रेंज
1	2	3
आयकर आयुक्त (अपील), जलन्धर	(1) सभी बाडें/सर्किल (जो जंजीगढ़ में स्थित हैं उन्हें और केन्द्रीय सर्किल को छोड़कर) जिसके अन्तर्गत प्रा०क्रा० पटियाला की अधिकारिता में के सं० श० सर्किलों आते हैं।	1. आयकर आयुक्त, पटियाला की अधिकारिता में जंजीगढ़ स्थित रेंजों को छोड़कर सभी रेंज।
	(2) सभी बाडें/सर्किल जिसके अन्तर्गत प्रा०क्रा० जलन्धर की अधिकारिता के हैं की सर्किल आते हैं।	2. आयकर आयुक्त जलन्धर की अधिकारिता में के सभी रेंज।

यह अधिसूचना 7-5-1979 से प्रभावी होगी।

जहां, कोई आयकर सर्किल बाडें या जिला या उसका भाग इस अधिसूचना द्वारा एक भार साधन से किसी अन्य भारसाधन को अन्तर्गत हो जाता है, वहां उस आय कर सर्किल, बाडें या जिला या उसके भाग में किए गए कर निर्धारण से उत्पन्न होने वाली और उस भारसाधन के, जिससे आयकर सर्किल बाडें या जिला या उसका भाग अन्तर्गत है आयकर आयुक्त के समक्ष इस अधिसूचना की तारीख के ठीक पूर्व सम्बन्धित अपीलें, उस तारीख से जिस को यह अधिसूचना प्रभावी होती है उस भारसाधन के जिसको उक्त आयकर सर्किल, बाडें या जिला या उसका भाग अन्तर्गत किया गया है, आयकर आयुक्त को अन्तर्गत की जाएगी और उन पर इसके द्वारा कार्यवाही की जाएगी।

[सं० 2790/फा० सं० 261/11/78 आई० टी० जे०]

New Delhi, the 8th April, 1979

S.O. 2314.—In exercise of the powers conferred by sub-section (1) of Section 121 A of the Income-tax Act, 1961 (43 of 1961) and in supersession of the previous notifications the Central Board of Direct Taxes, hereby directs that the Commissioner of Income-tax (Appeals) of the Charges specified in column (1) of Schedule below, shall perform their functions in respect of such persons assessed to Income-tax or surtax or interest-tax in the Income-tax Wards, Circles, Districts and Ranges specified in the corresponding entries in columns (2) and (3) thereof as are aggrieved by any of the orders mentioned in clause (a) to (h) of sub-section (2) of section 246 of the Income-tax Act, 1961, in sub-section (1) of Section II of Companies (Profits) Surtax Act, 1964 (7 of 1964), and in sub-section (1) of Section 15 of the Interest Tax Act, 1974 (45 of 1974) and also in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the provisions of clause (i) of sub-section (2) of Section 246 of the Income-tax Act, 1961.

SCHEDULE

Charges with Head-quarters	Income-tax Wards and Circles	Ranges of Inspecting Asstt. Commissioner of Income-tax
1	2	3
Commissioner of Income-tax (Appeals) Jullundur.	(i) All Wards/Circles (excluding those located at Chandigarh and Central Circles) including E.D. circles within the jurisdiction of CIT, Patiala. (ii) All Wards/Circles including E.D. Circles within the jurisdiction of CIT, Jullundur.	(1) All Ranges excluding ranges located at Chandigarh within the jurisdiction of Commissioner of Income-tax, Patiala. (2) All Ranges within the jurisdiction of Commissioner of Income-tax, Jullundur.

This notification shall take effect from 7-5-1979.

Whereas an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one charge to another charge, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Commissioner of Income-tax of the Charge from whom the Income-tax Circle, Ward or District or part thereof is transferred shall, from the date of this notification takes effect be transferred to and dealt with by the Commissioner of Income-tax of the Charge to whom the said circle ward or district or part thereof is transferred.

[No. 2790/F. No. 261/11/78-ITJ]

नई दिल्ली, 7 मई, 1979

का० आ० 2315.—केन्द्रीय प्रत्यक्षकर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, अपनी अधिसूचना सं० 2571 (फा० सं० 261/13/78-आई टी जे) तारीख 3-11-1978 से संलग्न अनुसूची में निम्नलिखित संशोधन करता है,—

अनुसूची में

नीचे उल्लिखित रेंजों के सामने निम्नलिखित रखा जाएगा,

स्तम्भ 1	स्तम्भ 2
रेंज-1	1. कम्पनी जिला 1 2. विदेशी अनुभाग 3. कम्पनी जिला-5
रेंज-5	1. कम्पनी जिला-3 2. विशेष सफिल-8, कम्पनी जिला-5 3. कम्पनी जिला-6 4. सहकारी भावास सफिल 5. जूट सफिल 6. सहकारी समितियाँ सफिल 7. विशेष धन्वेषण सफिल I 8. विशेष धन्वेषण सफिल II 9. विशेष धन्वेषण सफिल III

यह अधिसूचना 7-5-1979 से प्रभावी होगी।

[सं० 2805 (फा० सं० 261/2/79-आई टी जे)]

New Delhi, the 7th May, 1979

S.O. 2315.—In exercise of the powers conferred by sub-section (1) of section 122 of the I.T. Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf the Central Board of Direct Taxes hereby, makes the following amendments to the Schedule appended to its Notification No. 2571 (F. No. 261/13/78-ITJ) dated 3-11-1978.

In the Schedule

The following shall be substituted against the Ranges mentioned below:—

Column 1	Column 2
Range-I	1. Comp. Dist. I 2. Foreign Section. 3. Comp. Dist. V
Range-V	1. Comp. Dist. III. 2. Special Circle-VIII, Comp. Dist. V. 3. Comp. Dist. VI. 4. Cooperative Housing Circle. 5. Jute Circle. 6. Cooperative Societies Circle. 7. Special Investigation Circle-I. 8. Special Investigation Circle-II. 9. Special Investigation Circle-III.

This notification shall take effect from 7-5-1979.

[No. 2805 (F. No. 261/2/79-ITJ)]

का० प्रा० 2316.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 12 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, अपनी अधिसूचना सं० 2382 (फा०सं० 261/8/78-आई टी जे) तारीख 7-7-78 से संलग्न अनुसूची में निम्नलिखित संशोधन करता है,—

अनुसूची

नीचे उल्लिखित आयुक्त (अपील) के सामने निम्नलिखित रखा जाएगा

स्तम्भ 1	स्तम्भ 2
आयुक्त (अपील)-8	1 जिला 5 (1) 2 जिला 5 (2) 3 विशेष सिकल III जिला 5 (2) 4 विशेष अन्वेषण सिकल-III 5 हावड़ा 6 विशेष सिकल 4, जिला हावड़ा 7 विशेष सिकल 5, जिला हावड़ा 8 जिला-2 (1) 9 जिला-3 (3) 10 विशेष सर्वेक्षण सिकल-3 11 विशेष सर्वेक्षण सिकल-4 12 विशेष सर्वेक्षण सिकल 9

यह अधिसूचना 7-5-79 से प्रभावी होगी।

[सं० 2806/फा० सं० 261/2/79-आई टीजे]

S.O. 2316.—In exercise of the powers conferred by sub-section (1) of Section 121A of the I.T. Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes, hereby makes the following amendments to the Schedule appended to its Notification No. 2382 (F. No. 261/8/78-ITJ) dated 7-7-78.

Schedule

The following shall be substituted against the Commissioner (Appeals) mentioned below:—

Column 1	Columns 2
Commissioner (Appeals)-VIII	1. Dist. V(1) 2. Dist. V(2) 3. Special Circle-III Dist. V(2). 4. Special Investigation Circle-III. 5. Howrah. 6. Special Circle-IV, Dist. Howrah. 7. Special Circle-V, Dist. Howrah. 8. Dist-II(1) 9. Dist.-III(3). 10. Special Survey Circle-III. 11. Special Survey Circle-IV. 12. Special Survey Circle-IX.

This notification shall take effect from 7-5-1979.

[No. 2806/F.No. 261/2/79-ITJ]

नई दिल्ली, 16 मई, 1979

का० प्रा० 2317.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, अपनी अधिसूचना सं० 2383 (फा०सं० 261/7/78-आई टी जे) तारीख 7-7-1978 से संलग्न अनुसूची में निम्नलिखित संशोधन करता है :

I उक्त अनुसूची में, सहायक आयुक्त (अपील), रेंज ख, मद्रास के सामने स्तम्भ 2 में, निम्नलिखित रखा जाएगा :

1. कम्पनी सिकल II, मद्रास (सभी अनुभाग)
2. वेल्लोर सिकल

3. संपदा कर एवं आयकर सिकल, मद्रास
4. संपदा कर एवं आयकर सिकल, बंजापुर
5. संपदा कर एवं आयकर सिकल, मयुराई
6. संपदा कर एवं आयकर सिकल, कोयम्बटूर
7. नगर सिकल-3, मद्रास
8. केन्द्रीय सिकल, 1 से 17, मद्रास
9. विशेष अन्वेषण सिकल, क और ख, मद्रास
10. विशेष अन्वेषण सिकल 1, मद्रास
11. विशेष अन्वेषण सिकल-2, मद्रास
12. केन्द्रीय सिकल 1 और 2, कोयम्बटूर
13. विशेष अन्वेषण सिकल, कोयम्बटूर
14. नम्बरम् सिकल (सभी अनुभाग)
15. कांचीपुरम् सिकल (सभी अनुभाग)
16. टूडी सिकल 1 और 2, मद्रास
17. गुडालोर सिकल (सभी अनुभाग)
18. पाण्डिचेरी सिकल (सभी अनुभाग)
19. बिल्सु पुरम् सिकल (सभी अनुभाग)
20. नाग पट्टिनम् सिकल (सभी अनुभाग)
21. बंजापुर सिकल (सभी अनुभाग)
22. कुम्भ कोणम सिकल (सभी अनुभाग)
23. केन्द्रीय सिकल 1 और 2, मयुराई।

II. उक्त अनुसूची में, सहायक आयुक्त (अपील), कोयम्बटूर रेंज के सामने स्तम्भ 2, में निम्नलिखित रखा जाएगा :

1. कम्पनी सिकल 1,2,3,4 और 5, कोयम्बटूर
2. नगर सिकल-1, कोयम्बटूर
3. विशेष सर्वेक्षण सिकल, कोयम्बटूर,
4. ऊटकमंड सिकल (सभी अनुभाग)
5. पोल्वर्ची सिकल (सभी अनुभाग)
6. नगर सिकल 2, कोयम्बटूर
7. सलारी सिकल, कोयम्बटूर
8. तिरुप्युर सिकल
9. एरोड सिकल
10. कोयम्बटूर सिकल
11. सिकल-1, कोयम्बटूर
12. सिकल-2, कोयम्बटूर
13. अतिरिक्त लाभ कर सिकल, कोयम्बटूर और एरोड
14. विशेष सर्वेक्षण सिकल, कोयम्बटूर (भूतपूर्व सिकल)
15. नगर सिकल-4, मद्रास।

यह अधिसूचना 10-5-1978 को प्रवृत्त होगी।

स्वच्छीकरण टिप्पण

मह संशोधन प्रशासनिक सभी चीजों के यह कारण आवश्यक हो गए हैं।

[सं० 2817/फा० 21/3/79 आई० टी०जे०]

एम० के० भटनागर, अवर सचिव

New Delhi, the 16th May, 1979

S.O. 2317.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendments to the schedule appended to its notification No. 2383 (F. No. 261/7/78-ITJ), dated 7-7-1978 as amended from time to time.

I. In the said schedule under Col. 2 against Appellate Assistant Commissioner, Range-B, Madras, the following shall be substituted :

1. Company Circle-II, Madras (All Sections).
2. Vellore Circle.
3. Estate Duty cum Income tax Circle, Madras.
4. Estate duty cum Income tax Circle, Thanjavur.
5. Estate Duty cum Income tax Circle, Mudurai.

6. Estate Duty cum Income tax Circle, Coimbatore.
7. City Circle-III, Madras.
8. Central Circles I to XVII, Madras.
9. Special Investigation Circle A & B Madras.
10. Special Investigation Circle-I, Madras.
11. Special Investigation Circle-II, Madras.
12. Central Circle I & II, Coimbatore.
13. Special Investigation Circle, Coimbatore.
14. Tambaram Circle (All Sections).
15. Kancheepuram Circle (All Sections).
16. Hundi Circles I & II, Madras.
17. Guddalore Circle (All Sections).
18. Pondicherry Circle (All Sections).
19. Villupuram Circle (All Sections).
20. Nagapattinam Circle (All Sections).
21. Thanjavur Circle (All Sections).
22. Kumbakonam Circle (All Sections).
23. Central Circles I & II, Mudurai.

II. In the said schedule under Col. 2 against Appellate Assistant Commissioner, Coimbatore Range, the following shall be substituted:

1. Company Circle I, II, III, IV & V, Coimbatore.
2. City Circle I, Coimbatore.
3. Special Survey Circle, Coimbatore.
4. Ootachamund Circle (all Sections).
5. Pollachi Circle (all Sections).
6. City Circle II, Coimbatore.
7. Salary Circle, Coimbatore.
8. Tiruppur Circle.
9. Erode Circle.
10. Coimbatore Circle.
11. Circle-I, Coimbatore.
12. Circle II, Coimbatore.
13. Excess Profits Tax Circle, Coimbatore and Erode.
14. Special Survey Circle, Coimbatore (Erstwhile Circles).
15. City Circle IV, Madras.

This notification shall take effect from 10-5-1979.

EXPLANATORY NOTE

These amendments have become necessary on account of administrative expediency.

[No. 2817/F. No. 261/3/79-ITJ]
S. K. BHATNAGAR, Under Secy.

वाणिज्य, नागरिक एवं सहकारी मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 19 जून, 1979

(तम्बाकू उद्योग विकास नियंत्रण)

का० भा० 2318.—केन्द्रीय सरकार ने श्री एस० चक्रवर्ती, भा० से० के स्थान पर जो व्यवस्था पर चले गए हैं, श्री एम० वेंकटरत्नम् भा० से० को 12-5-79 (अपरान्ह) से प्रागे धावेक होने तक अध्यक्ष, काफी बोर्ड के रूप में उनके भारसाधन के अतिरिक्त तम्बाकू बोर्ड का अध्यक्ष नियुक्त किया है।

अतः, अब, केन्द्रीय सरकार तम्बाकू बोर्ड अधिनियम, 1975 (1975 का 4) की धारा 4 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य, नागरिक पूर्ति और सहकारी मंत्रालय (वाणिज्य विभाग) की अधिसूचना सं० का० भा० 100 (अ), तारीख 19-2-79 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, क्रम संख्या 1 और उससे संबंधित प्रावधानों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“1 श्री एम वेंकटरत्नम् भा० से०

अध्यक्ष

तम्बाकू बोर्ड,

लक्ष्मीपुरम्,

गुंटूर-522002

[सं० 1/6/79-ई०पी० (कृषि VI)]

भा० पी० गुप्ता, डेस्क अधिकारी

MINISTRY OF COMMERCE, CIVIL SUPPLIES & COOPERATION

(Department of Commerce)

New Delhi, the 19th June, 1979

(TOBACCO INDUSTRY DEVELOPMENT CONTROL)

S.O. 2318.—Whereas the Central Government has appointed Shri M. Venkataratnam, IAS, to be the Chairman of the Tobacco Board vice Shri S. Chakravarthi, IAS, proceeded on leave, with effect from 12-5-79 (AN), in addition to his charge as Chairman, Coffee Board, until further orders.

Now, therefore, in exercise of the powers conferred by sub-section(4) of section 4 of the Tobacco Board Act, 1975 (4 of 1975), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Commerce, Civil Supplies and Co-operation (Department of Commerce), No. S.O. 100 (E) dated 19-2-1979, namely :—

In the said notification, for serial No. 1 and the entry relating thereto, the following shall be substituted, namely :—

“1. Shri M. Venkataratnam, IAS—Chairman.

Tobacco Board,

Lakshmipuram,

Guntur-522002.

[No. 1/6/79-EP (Agri. VI)]

O. P. GUPTA, Desk Officer

कृषि और सिंचाई मंत्रालय

(कृषि विभाग)

नई दिल्ली, 21 जून, 1979

का० भा० 2319.—भूतपूर्व राजस्व तथा कृषि विभाग की 25 जुलाई, 1900 की अधिसूचना संख्या 1616 एफ के साथ प्रकाशित नियमावली के नियम 3 की धारा (क) तथा उसके साथ पठित नियम 4, जिसमें समय-समय पर संशोधन होता रहा है, के अनुसरण में भारत सरकार (1) श्री जगन्नाथ लाल माथुर, सेवा निवृत्त मुख्याध्यापक, ग्राम गोकलपुर, डाकघर अटैलीमंडी, जिला मोहिन्नागढ़ (हरियाणा) तथा (2) श्री कोमल कोठारी, राजस्थान पत्रिका, जयपुर को तत्काल से भारतीय लोक अकाल न्यास के प्रबन्धक मंडल में (1) श्री जगन्नाथ प्रसाद सिंह, एडवोकेट प्रकाश पैटोल, डाकघर सासाराम, जिला रोहतास (बिहार) तथा (2) श्री एन० महालिंगम, 49 स्टीफेन्सन मेरी रोड, मद्रास के स्थान पर मंडल के सदस्य नियुक्त करती है।

[सं० 15-2/78-एम०आर०]

के० एम० चड्ढा, उप सचिव

MINISTRY OF AGRICULTURE & IRRIGATION

(Department of Agriculture)

New Delhi, the 21st June, 1979

S.O. 2319.—In accordance with clause (a) of Rule 3 of the Rules published with the late Department of Revenue & Agriculture Notification No. 1616. F. dated the 25th July, 1900 read with Rule 4 thereof as amended from time to time, the Government of India are pleased to appoint (1) Shri Banwari Lal Mathur, Retd. Head Master, Village Gokulpur, P.O. Atelimandi, District Mohinderghar (Haryana) and (2) Shri Komal Kothari, Rajasthan Patrika, Jaipur, as members of the Board of Management, Indian People Famine Trust with immediate effect vice (1) Shri Jagan Nath Prasad Singh, Advocate, Prakash Petrol P.O. Sasaram, Distt. Rohtas, (Bihar) and (2) Shri N. Mahalingam, 49, St. Marys' Road, Madras.

[No. 15-2/78-SR]

K. M. CHADHA, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

शुचि-पत्र

नई दिल्ली, 15 जून, 1979

का० प्रा० 2320.—कार्मिक और प्रशासन सुधार विभाग ने इस मंत्रालय को सूचित किया है कि वि. सेक्रेटरी ग्राफ स्टेट सर्विस (मेडिकल अटेंडेंस) एल. 1938 को एक प्रस्ताव, 1972 से रद्द कर दिया गया है अतः इस मंत्रालय की तारीख 6 जुलाई, 1972 की अधिसूचना संख्या एफ० 24-12-71/सी.जी.एच.एस. (पी) केन्द्रीय सरकार स्वास्थ्य योजना (कानपुर) नियमावली, 1972 के पैरा-2 में ग्राफ शब्दों "वि. सेक्रेटरी ग्राफ स्टेट्स सर्विसेज (मेडिकल अटेंडेंस) रूल, 1938" को हटा दिया गया माना जाए।

[संख्या एफा 24-12/71-प्रत्यताल (के.स.स्वा.यो.) (नीति)]

(श्रीमती) आशा शर्मा, प्रवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

CORRIGENDUM

New Delhi, the 15th June, 1979

S.O. 2320.—The Department of Personnel and Administrative Reforms have informed this Ministry that the Secretary of State Service (Medical Attendance) Rules, 1938, have been repealed from the 1st October, 1972, therefore, the words "the Secretary of States' Services (Medical Attendance) Rules, 1938" appearing in para 2 of this Ministry's Notification No. F. 24-12/71-CGHS(P) dated 6th July, 1972, Central Government Health Scheme (Kanpur) Rules, 1972 may be treated as deleted.

[No. 24-12/71-H]

(Mrs.) ASHA SHARMA, Under Secy.

मौखिक और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 20 जून, 1979

का० प्रा० 2321.—व्यापार पोत अधिनियम, 1958 (1958 का 44) की धारा 69 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार कोस्ट गार्ड के प्रत्येक अधिकारी को उक्त धारा के प्रयोजनों के लिए प्राधिकृत करती है।

स्पष्टीकरण :—इस अधिसूचना के प्रयोजनों के लिए, 'अधिकारी' और 'कोस्ट गार्ड' शब्दों का वही अर्थ होगा जो अर्थ इन्हें कोस्ट गार्ड एक्ट, 1978 (1978 का 30) में दिया गया है।

[फा० सं० 5-एम.एस.आर. (16)/77-एम.ए.]

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 20th June, 1979

S.O. 2321.—In exercise of the powers conferred by section 69 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby authorises every officer of the Coast Guard for the purposes of the said section.

Explanation:—For the purposes of this notification, the expressions "officer" and "Coast Guard" shall have the meanings respectively assigned to them in the Coast Guard Act, 1978 (30 of 1978).

[F. No. 5-MSR(16)/77-MA]

का० प्रा० 2322.—व्यापार पोत अधिनियम, 1958 (1958 का 44) की धारा 356 जी द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार कोस्ट गार्ड के प्रत्येक अधिकारी को उक्त धारा के प्रयोजनों के लिए नियुक्त करती है।

स्पष्टीकरण : इस अधिसूचना के प्रयोजनों के लिए, 'अधिकारी' और 'कोस्ट गार्ड' शब्दों का वही अर्थ होगा जो अर्थ इन्हें कोस्ट गार्ड एक्ट, 1978 (1978 का 30) में दिया गया है।

[फाइल सं० 5-एम.एस.आर. (16)/77-एम.ए. (1)]

के० लाल, प्रवर सचिव

S.O. 2322.—In exercise of the powers conferred by section 356G of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby appoints every officer of the Coast Guard for the purposes of the said section.

Explanation:—For the purpose of this notification, the expressions "officer" and "coast Guard" shall have the meanings, respectively assigned to them in the Coast Guard Act, 1978 (30 of 1978).

[F. No. 5-MSR(16)/77-MA-1]

K. LALL, Under Secy.

नई दिल्ली, 23 जून, 1979

का० प्रा० 2323.—दीपघर अधिनियम, 1927 (1927 का 17) की धारा 4 की उपधारा (1) का अनुसरण करते हुए केन्द्रीय सरकार राज्य सभा सदस्य श्री अमर प्रसाद चक्रवर्ती और लोक सभा सदस्य श्री अनंत दवे को दीपघर केन्द्रीय सलाहकार समिति का सदस्य नियुक्त करती है और भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की 25 नवम्बर, 1978 की अधिसूचना सं० का० प्रा० सं० 3382 में निम्नलिखित संशोधन करती है, अर्थात् उक्त अधिसूचना में सब सं० 13 के बाद निम्नलिखित प्रविष्टियाँ जोड़ी जाए :—

14. श्री अमर प्रसाद चक्रवर्ती, सदस्य, राज्य सभा।

15. श्री अनंत दवे, सदस्य, लोक सभा।

[फाइल सं० एल० एल० ई० 33/78]

एन० डी० मल्होत्रा, प्रवर सचिव

New Delhi, the 23rd June, 1979

S.O. 2323.—In pursuance of sub-section (1) of section 4 of the Lighthouse Act, 1927 (17 of 1927) the Central Government hereby appoints S/Shri Amarprosod Chakroborty, Member of Rajya Sabha and Anant Dave Member of Lok Sabha as Members of the Central Advisory Committee for Lighthouses and make the following amendments in the notification of the Govt. of India, Ministry of Shipping & Transport (Transport Wing) No. S.O. 3382 dated 25-11-78, namely in the said notification the following entries may be added after item 13 :—

14. Shri Amarprosod Chakroborty, Member, Rajya Sabha.

15. Shri Anant Dave, Member, Lok Sabha.

[File No. LLE-33/78]

N. D. MALHOTRA, Under Secy.

(नौवहन महानिदेशालय)

(बाणिज्य नौवहन)

बम्बई, 23 जून, 1979

क्रा० प्रा० 2324—भारत सरकार के नौवहन और परिवहन मंत्रालय की अधिसूचना सं० एम एस ई(6)/77 एमटी, दिनांक 13 जून, 1977 के साथ पठित भारतीय बाणिज्य पोत परिवहन (नाविक नियोजन) कार्यालय, कलकत्ता, (नियम, 1954 के नियम 5 के उप-नियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नौवहन महानिदेशक एम्बेड्कार, कलकत्ता पत्तन में इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो वर्ष की अवधि के लिए नौविक नियोजन मंडल की नियुक्ति करते हैं जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—

- | | | |
|--|---|---|
| 1. नौवहन महानिदेशक | } | सरकार का प्रतिनिधित्व करने वाले सदस्य |
| 2. नौवहन उपमहानिदेशक, नाविक नियोजन कार्यालय, कलकत्ता-प्रभारी | | |
| 3. श्रीमत्युक्त, पश्चिम बंगाल, कलकत्ता | | |
| 4. नाविक पाल, कलकत्ता | | |
| 5. निदेशक, नाविक नियोजन कार्यालय, कलकत्ता | | |
| 6. पत्तन स्वास्थ्य अधिकारी, कलकत्ता | | |
| 7. श्री एम०एन० अलीखान | } | पोत मालिकों का प्रतिनिधित्व करने वाले सदस्य |
| 8. श्री टी० बागची | | |
| 9. श्री एस० पूरी | | |
| 10. कप्तान आर० प्रेमचन्द | | |
| 11. कप्तान बी०एन० राव | | |
| 12. कप्तान जी०सी० राव | | |
| 13. श्री अक्षित मित्रा | } | नाविकों का प्रतिनिधित्व कर सेवाएँ सहाय |
| 14. श्री विजय मुखर्जी | | |
| 15. श्री के०पी० राम | | |
| 16. श्री अजीत चक्रवर्ती | | |
| 17. श्री सुनील दास | | |
| 18. श्री एन०सी० भारद्वाज | | |

नौवहन महानिदेशक और नौवहन उप महानिदेशक, नाविक नियोजन कार्यालय, कलकत्ता—प्रभारी क्रमशः उपर्युक्त मंडल के अध्यक्ष और उपाध्यक्ष होंगे।

[सं० 25(1)सी आर ए/76]

के०एस० सिधु, नौवहन उप महानिदेशक

(Directorate General of Shipping)

Bombay, the 23rd June, 1979

MERCHANT SHIPPING

S.O. 2324.—In exercise of the powers conferred by Sub-Rule (i) of rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Calcutta) Rules 1954, read with the notification of the Government of India in the Ministry of Shipping & Transport No. MSE (6)/77-MT, dated the 13th June 1977, the Director General of Shipping hereby appoints Seamen's Employment Board (F.G.) at the Port of Calcutta for a period of 2 years with effect from the date of publication of this notification in the official Gazette, consisting of the following members, namely:—

- | | | |
|--|---|----------------------------------|
| 1. The Director General of Shipping. | } | Members Representing Government. |
| 2. The Dy. Director General of Shipping, incharge of the Seamen's Employment Office, Calcutta. | | |
| 3. Labour Commissioner, West Bengal Calcutta. | | |
| 4. The Shipping Master, Calcutta. | | |
| 5. The Director, Seamen's Employment Office, Calcutta. | | |
| 6. The Port Health Officer, Calcutta. | | |
| 7. Shri M.N. Alikhan | } | Members Representing Shipowners. |
| 8. Shri T. Bagchi | | |
| 9. Shri S. Puri | | |
| 10. Capt. R. Premchand | | |
| 11. Capt. B. N. Rao | | |
| 12. Capt. G. C. Rao | | |
| 13. Shri Asit Mitra | } | Members Representing Seamen |
| 14. Shri Brijay Mukherjee | | |
| 15. Shri K. P. Roy | | |
| 16. Shri Ajit Chakraborty | | |
| 17. Shri Sunil Das | | |
| 18. Shri N. C. Bhardwaj. | | |

The Director General of Shipping and the Dy. Director General of Shipping incharge of the Seamen's Employment Office, Calcutta shall respectively, be the chairman and the vice chairman of the aforesaid Board.

[File No. 25(1)CRA/76.]

K. S. SIDHU, Dy. Director General of Shipping

निर्माण और आवास मंत्रालय

नई दिल्ली, 31 मई, 1979

क्रा० प्रा० 2325:—यतः केन्द्रीय सरकार निम्नलिखित क्षेत्रों के बारे में दिल्ली की बृहत् योजना में कुछ संशोधन करना चाहती है जो दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 44 के उपबन्धों के अनुसार दिनांक 24-2-1979 के नोटिस संख्या एफ० 3(16)/69-एम० पी० द्वारा प्रकाशित किए गए थे और उक्त अधिनियम की धारा 11-ए की उप-धारा (3) में यथा प्रपेक्षित उक्त नोटिस की तारीख से 30 दिन के अन्तर आक्षेप/सुझाव आमन्त्रित किए गए थे।

और यतः केन्द्रीय सरकार को उक्त संशोधनों के संबंध में कोई आक्षेप प्रयत्न सुझाव प्राप्त नहीं हुआ है और इसलिए केन्द्रीय सरकार ने दिल्ली की बृहत् योजना में संशोधन करने का निर्णय किया है;

अतः, अतः उक्त अधिनियम की धारा 11-क की उप-धारा (2) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एम्बेड्कार दिल्ली की बृहत् योजना में उस तारीख से निम्नलिखित संशोधन करती है जिस तारीख को यह अधिसूचना भारत के राजपत्र में प्रकाशित होगी, नामतः संशोधन:

“बृहत् योजना में” कुछ हरित पट्टी के लिए निर्दिष्ट लगभग 29.07 हेक्टर (72 एकड़) भूमि जो उत्तर-पश्चिम में रेस्ट हाउस एवं सिचाई नाले, उत्तर पूर्व में करनाल को जाने वाली रेलवे लाईन, दक्षिण-पूर्व में बबामा ओल्फन्दी मार्ग और दक्षिण-पश्चिम में पश्चिमी यमुना नहर (दिल्ली टेल डिस्ट्रिक्ट्यूटी) से घिरी है के भूमि उपयोग को “औद्योगिक” में 22.6 हेक्टर (56 एकड़) और 6.47 हेक्टर (16 एकड़) “रिहायशी” (औद्योगिक आवास) में परिवर्तित किया गया है।

[संख्या के-13011/23/78डी-डी० 1(ए)]

र०स० मुद, अवर सचिव

MINISTRY OF WORKS & HOUSING

New Delhi, the 31st May, 1979

S.O. 2325.—Whereas certain modifications, which the Central Government proposes to make in the Master Plan for Delhi regarding the areas mentioned hereunder was published with Notice No. F.3(16)/69-MP, dated 24-2-1979 in accordance with the provisions of section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of section 11-A of the said Act, within thirty days from the date of the said notice;

And whereas no objections or suggestions have been received with regard to the aforesaid modifications; the Central Government have decided to modify the Master Plan for Delhi;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 11-A of the said Act, the Central Government hereby makes the following modifications in the said Master Plan for Delhi with effect from the date of publication of this notification in the Gazette of India, namely:—

Modifications:

"The land use of an area measuring about 29.07 Hect. (72 acres) earmarked for 'Agriculture Green Belt' in the Master Plan and surrounded by Rest House & Irrigation Drain on North West, Railway Line to Karnal on north NEast, Bawana Auchandi Road on the South East and Western Yamuna Canal (Delhi Tail Distributory) on the South West is changed to 'Industrial' in respect of 22.6 Hect. (56 Acres) and 'Residential' (industrial housing) 6.47 Hect. (16 Acres)."

[No. K-13011/22/78-DDI(A)]

R. S. SOOD, Under Secy.

पेट्रोलियम रसायन और उर्वरक मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 30 मई, 1979

क्रा० प्रा० 2326:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सलाया पोर्ट से उत्तर प्रदेश में मथुरा तक पेट्रोलियम के परिवहन के लिये पाइप लाइन इंडियन आयल कारपोरेशन द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है।

अर्थात् कि उक्त भूमि में हितवद् कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, इंडियन आयल कारपोरेशन लिमिटेड, सलाया-मथुरा पाइप लाइन प्रोजेक्ट, बी-18, शिवमार्ग, बनीपार्क, जयपुर-6 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा

और ऐसा आक्षेप करने वाला हर व्यक्ति निम्नलिखित: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्ति: हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

तहसील : बाली	जिला : सिरोंही	राज्य : राजस्थान				
ग्राम	खसरा नम्बर	क्षेत्रफल				
		हेक्टर	ऐयर	वर्गमीटर		
भन्दार	1151	0	12	14		
भाटून्ड	749	0	15	38		
बीजापुर	558	0	3	24		
	119	0	24	28		
कोट	211	0	0	81		

(सं० 12020/12/79-प्रो.)

एस० एम० वाई० नदीम, अवर सचिव

MINISTRY OF PETROLEUM, CHEMICALS & FERTILIZER

(Department of Petroleum)

New Delhi, the 30th May, 1979

S.O. 2326.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Salaya Port in Gujarat to Mathura in Uttar Pradesh pipelines should be laid by the Indian Oil Corporation Limited.

And whereas it appears that for the purpose of laying such pipelines, it is necessary to acquire the right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declare its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Indian Oil Corporation Limited, Salaya-Koyali-Mathura Pipeline Project, B-18, Shiv Marg, Bani Park, Jaipur-6.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Tehsil : Bali	District : Sirohi	State : Rajasthan			
Village	Khasra No.	Area			
			H.	A.	Sq.M.
Bhandar . . .	1151		0	12	14
Bhatoond . . .	749		0	15	38
Beejapur . . .	558		0	3	24
	119		0	24	28
Kot . . .	211		0	0	81

[No. 12020/12/79-Prod.]

S. M. Y. NADEEM, Under Secy

पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली, 18 जून, 1979

क्रा० प्रा० 2327:—वायु निगम अधिनियम, 1953 (1953 का 27) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतदुपरा एयर इंडिया के प्रबंध निदेशक, श्री बी० एस० वास को श्री के० जी० अय्यस्वामी के स्थान पर एयर इंडिया तथा इंडियन एयरलाइन्स के निदेशक मंडल में निदेशक के रूप में तथा इंडियन एयरलाइन्स के प्रबंध निदेशक, श्री जी० डी० माथुर को श्री एम० सी० सरिन के स्थान पर एयर इंडिया के निदेशक मंडल में निदेशक के रूप में तत्काल तथा अगले आदेशों तक नियुक्त करती है।

[सं० ए० बी०-18013/1/78 ए० सी०]

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 18th June, 1979

S.O. 2327.—In exercise of the powers conferred by Section 4 of the Air Corporations Act, 1953 (27 of 1953) the Central Government hereby appoints S/Shri B. S. Das, Managing Director, Air India as Director on the Board of Air India and Indian Airlines vice Shri K. G. Appusamy and G.D. Mathur, Managing Director, Indian Airlines as Director on the Board of Air-India vice Shri M. C. Sarin with immediate effect and until further orders.

[No. AV-18013/1/78-AC]

नई दिल्ली, 20 जून, 1979

क्रा० अा० 2228:—अंतर्राष्ट्रीय विमान पत्तन प्राधिकरण अधिनियम, 1971 (1971 का 43) की धारा 3 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित को तत्काल भारत अंतर्राष्ट्रीय विमानपत्तन प्राधिकरण के अंशकालिक सचिव नियुक्त करती है:—

1. श्री बी० एस० दास, प्रबंध श्री के० जी० अणुस्वामी के स्थान निवेशक, एयर इंडिया, बम्बई । पर
 2. श्री जी० डी० माथुर, प्रबंध श्री एम० सी० सरिन के स्थान पर निवेशक, इंडियन एयरलाइंस
- नई दिल्ली ।

[सं० ए० बी०-24012/1/79 ए० ए०]
बी० तुलसीदास, प्रवर सचिव

New Delhi, the 20th June, 1979

S.O. 2328.—In exercise of the powers conferred by Sub-section (3) of Section 3 of the International Airports Authority Act, 1971 (43 of 1971) the Central Government hereby appoints the following as part time Members of the International Airports Authority of India, with immediate effect:—

1. Shri B.S. Das, Vice Shri K.G. Appusamy
Managing Director,
Air-India
Bombay.
2. Shri G.D. Mathur, Vice Shri M.C. Sarin.
Managing Director,
Indian Airlines,
New Delhi.

[No. AV-24012/1/79-AA].
V. T. Das, Under Secy.

धन मंत्रालय

आदेश

नई दिल्ली, 12 जून, 1979

क्रा० अा० 2329:—केन्द्रीय सरकार की राय है कि इससे उपायय अगुसूची में विनिर्दिष्ट विषयों के बारे में सेन्ट्रल बैंक आफ इंडिया, जयपुर के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और उक्त औद्योगिक विवाद एक अधिकरण को निर्देशित किया गया था, जिसके पीठासीन अधिकारी श्री यू० एन० माथुर थे, जो औद्योगिक अधिकरण, जयपुर के भी पीठासीन अधिकारी थे;

और श्री यू० एन० माथुर के निवर्तन के कारण औद्योगिक अधिकरण, जयपुर के पीठासीन अधिकारी के रूप में कार्य करना बन्द कर दिया है;

अतः, अज, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33 ख की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिकरण से, जिसके पीठासीन अधिकारी श्री यू० एन० माथुर थे, उक्त विवाद से सम्बद्ध कार्यवाही को वापस लेती है और उसे उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली को इस निर्देश के साथ स्थानान्तरित करती है कि उक्त केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली आगे कार्यवाही उस प्रक्रम से करेगा, जिस पर वह उसे स्थानान्तरित की जाय तथा विधि के अनुसार उसका निपटान करेगा ।

अगुसूची

"दिनांक 19-10-1966 के द्वितीय समझौते के पैरा 20.8 के उपबन्धों को ध्यान में रखते हुए, क्या सेन्ट्रल बैंक आफ इंडिया

जयपुर डिबिजन के प्रबन्धतंत्र का निम्नलिखित कर्मचारियों को उनके नाम के सामने विनिर्दिष्ट अस्थायी सेवा की गिनती न करना और उक्त अस्थायी सेवा अवधि को ध्यान में रखते हुए, उन्हें बाकि वेतन-वृद्धि प्रदान न करना व्यायीकृत है ।

1. श्री एस० एल० टक, पाली शाखा, सेन्ट्रल बैंक आफ इंडिया 5-9-1969 से 6-8-1970 तक ।
2. श्री आर० एस० शर्मा, जालोरीगेट शाखा, जोधपुर 17-3-1969 से 29-8-1969 तक ।
3. श्री एस० आर० अग्रवाल, चांदपोल बाजार शाखा, जयपुर, 5-6-1970 से 11-8-1970 तक ।

यदि नहीं, तो संबंधित कर्मकार किस अनुतोष के हकदार हैं ?"

[सं० एल-12011/100/78-डी० 2 (ए०)]

MINISTRY OF LABOUR

ORDER

New Delhi, the 12th June, 1979

S.O. 2329.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Central Bank of India, Jaipur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the said industrial dispute was referred to a Tribunal presided over by Shri U. N. Mathur who was also Presiding Officer, Industrial Tribunal, Jaipur;

And whereas Shri U. N. Mathur has ceased to work as Presiding Officer, Industrial Tribunal, Jaipur due to superannuation;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the proceedings in relation to the said dispute from the said Tribunal presided over by Shri U. N. Mathur and transfers the same to the Central Government Industrial Tribunal, New Delhi constituted under Section 7A of the said Act and directs that the said Central Government Industrial Tribunal, New Delhi shall proceed with the same proceedings from the stage at which they are transferred to it and dispose off the same according to law.

SCHEDULE

"Keeping in view the provisions of para 20.8 of the Bipartite Settlement dated 19-10-66 whether the management of Central Bank of India, Jaipur Division is justified in not counting the temporary service of following employees as mentioned against each towards their period of probation and in not granting their annual increments by taking into account the said period of temporary service.

1. Shri S. L. Tak, Pali Branch, Central Bank of India from 5-9-1969 to 6-8-1970.
2. Shri R. S. Sharma, Jalorigate Branch, Jodhpur from 17-3-1969 to 29-8-1969.
3. Shri S. R. Agarwal, Chandpole Bajar Branch, Jaipur from 5-6-1970 to 11-8-1970.

If not, to what relief are the workmen concerned entitled"

[No. L-12011/100/78-D.II(A)]

आदेश

नई दिल्ली, 13 जून, 1979

क्रा० अा० 2330:—केन्द्रीय सरकार की राय है कि इससे उपायय अगुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय रिजर्व बैंक, मद्रास के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और उक्त औद्योगिक विवाद एक अधिकरण को, जिसके पीठासीन अधिकारी श्री के. सेलवारतनम् थे, निर्देशित किया गया था, जो औद्योगिक अधिकरण, मद्रास के पीठासीन अधिकारी थे ;

और श्री के. सेलवारतनम् ने निवर्तन के कारण औद्योगिक अधिकरण, मद्रास के पीठासीन अधिकारी के रूप में कार्य करना बन्द कर दिया है और श्री टी. एस. डेनियल इस अधिकरण के पीठासीन अधिकारी हैं ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33-अ की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग हुए, केन्द्रीय सरकार मद्रास में एक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री टी. एस. डेनियल होंगे और श्री के. सेलवारतनम् से उक्त विवाद से सम्बद्ध कार्यवाही को वापस लेती है और उसे उक्त अधिकरण को, जिसके पीठासीन अधिकारी श्री टी. एस. डेनियल होंगे, इस निर्देश के साथ स्थानान्तरित करती है कि उक्त अधिकरण अपने कार्यवाही उस प्रक्रम से करेगा, जिस पर वह उसे स्थानान्तरित की जाए तथा बिधि के अनुसार उसका निपटान करेगा ।

अनुसूची

“क्या भारतीय रिजर्व बैंक, मद्रास के प्रबन्धतंत्र की श्री एस. पी.सुब्रह्मणी, ब्लॉक ग्रेड-1, मद्रास ब्रांच को यात्रा किराया सुविधा का अभिकल्पित मिथ्या दावा करने के बख्स्वरूप दो वेतन बढ़ियाँ बापिस लेने की कार्यवाही न्यायोचित है ? यदि नहीं, तो संबंधित कर्मकार किस अनुसूच का हकदार है ?”

[संख्या एल-12012/19/78-डी. 2(ए)]

एस. के. मुखर्जी, अवसर सचिव

ORDER

New Delhi, the 13th June, 1979

S.O. 2330.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Reserve Bank of India, Madras and their workmen in respect of the matters specified in the schedule hereto annexed ;

And whereas the said industrial dispute was referred to a Tribunal presided over by Shri K. Selvaratnam who was Presiding Officer Industrial Tribunal Madras ;

And whereas Shri K. Selvaratnam has ceased to work as Presiding Officer, Industrial Tribunal, Madras due to superannuation and Shri T. S. Daniel is the presiding officer of this tribunal ;

Now, therefore, in exercise of the powers conferred by section 7A and by sub-section (1) of Section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a Tribunal at Madras of which Shri T. S. Daniel will be the Presiding Officer and withdraws the proceedings in relation to the said dispute from Shri K. Selvaratnam and transfers the same to the said tribunal Presided over by Shri T. S. Daniel and directs that the said Tribunal shall proceed with the same proceedings from the stage at which they are transferred to it and dispose off the same according to law.

SCHEDULE

“Whether the action of the management of Reserve Bank of India, Madras in withdrawing two stages of increments from Sh. S. Ponnuswamy, clerk Gr. I in the Madras Branch of the Bank as a measure of punishment for making alleged false leave fare concession claim is justified ? If not, to what relief is the workman concerned entitled ?”

[No. L-12012/19/78-D.II(A)]

S. K. MUKHERJEE, Under Secy.

New Delhi, the 19th June, 1979

S.O. 2331.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government

ment Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of South Jharia Colliery of Messrs Bharat Coking Coal Limited Post Office Jharia, District Dhanbad, and their workmen which was received by the Central Government on the 12th June, 1979.

BEFORE SHRI S. N. JOHRI, B. Sc., LL. M. PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under Sec. 10(1)(d) of the

Industrial Disputes Act, 1947

Reference No. 1 of 1977

PARTIES :

Employers in relation to the management of South Jharia Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad.

AND

Their Workmen.

APPEARANCES :

On behalf of the Employers—Shri T. P. Choudhury, Advocate.

On behalf of the Workmen—Shri S. Bose Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad.

STATE : Bihar.

INDUSTRY : Coal.

Jabalpur, the 5th June, 1979

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/128/76/DIIA, dated, the 30th December, 1976, for the adjudication of the following dispute :

“Whether the action of the management of South Jharia Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad in refusing to regularise the following casual wagon loaders is justified? If not, to what relief are the said workmen entitled and from which date ?

1. Sri Rameshwar Beldar
2. Smt. Dhanmanti Beldarin
3. Smt. Ramkalia Beldarin
4. Smt. Puna Beldarin
5. Smt. Jaswa Bhuini
6. Smt. Maloty Majhain
7. Sri Balgovind Rajbar
8. Smt. Jitni Beldarin
9. Sri Balesher Rajwar
10. Sri Somar Bhawan
11. Smt. Sonwa Beldarin
12. Smt. Sarsatia Bhuini
13. Smt. Sudamia Bhuini
14. Sri Mohana Bhuia
15. Sri Kamo Bhuia
16. Smt. Lalpari Bhuini
17. Smt. Sayam Pari Bhuini
18. Smt. Barty Bhuini
19. Sri Soharai Bhuia
20. Smt. Mangri Bhuini
21. Sri Mahadewa Gangully
22. Smt. Sunerwa Bhuini
23. Sri aldeeo Bhuia
24. Smt. Sarda Bhuini
25. Smt. Kusulya Bhuini
26. Smt. Dakhwa Beldarin
27. Smt. Deoki Bhuini
28. Smt. Jirwa Bhuin (No. 1)
29. Smt. Tetri Beldarin
30. Smt. Gouri Beldarin

31. Sri Bhunwa Bhula
32. Sri Rama Bhula
33. Sri Ramkhelwan Bhula
34. Smt. Babamuni Majhain
35. Sri Birja Bhula
36. Smt. Azadia Bhuini
37. Smt. Etbari Bhuini
38. Smt. Santi Bhuini (No. 1)
39. Sri Jagdish Bhuini
40. Smt. Benwa Bhuini
41. Sri Misri Paswan
42. Sri Rajendra Bhuini."

2. This dispute relates to the question of regularisation of the casual wagon loaders in the colliery. As per statement made by Sri N. Mukherjee, MW-1 except for 2 or 3 all other workmen out of this list of 42 casual wagon loaders have been regularised during the pendency of this reference on the basis of the directive principle laid down by the management after consultation with the Central Consultative Committee. The principle so evolved was that those wagon loaders who had completed 240 days attendance in a calendar year should be regularised from 1-1-1977. The union is however is not satisfied in this development which has taken place pending reference.

3. The union's case is that when the union raised the question of regularisation several meetings were held between the management's representatives and the union's representatives with the intervention of A.L.C. (Conciliation Officer). Ultimately on 28-8-75 they entered into a settlement. It was also signed by the A.L.C. According to it nucleus of 42 regularised wagon loaders was to be maintained in the colliery with effect from 1-9-75. Union wants that all the 42 should be regularised without exception and the date of regularisation should be 1-9-75 as per settlement and for all subsequent dates the benefits accruing from that date of regularisation should be given to these casual wagon loaders.

4. Management's case is that due to the grossly fluctuating supply of wagon no such nucleus can be formed as that would result in wasteful expenditure on idle hands on the days on which there is no wagon supply or short supply. The management has denied that any such settlement ever took place between the parties. They have further taken up the plea that the dispute raised is not covered under any of the items of schedule 2 or 3 of the Industrial Disputes Act and as such this Tribunal has no jurisdiction to entertain and try it.

5. The question thus centres round existence or non-existence of alleged settlement dated 28-8-75. The original settlement is not traceable.

6. Shri B. C. Babiah, now Assistant Labour Commissioner, was then on deputation posted as Area Personnel Manager in the company. He conducted the conciliation negotiations between the union and the management at that time. Sri N. Mukherjee MW-1 also participated in those conciliation meetings. He has confirmed all these facts. This is further confirmed by the letter of Sri B. C. Babiah, A.L.C. Ext. W-5 in which he has said that the file pertaining to all those conciliatory negotiations was left by him in the office of the Area Personnel Manager. All these go to show that conciliatory negotiations on the question of regularisation of casual wagon loaders, did take place between the management and the union.

7. Shri Ram Ekwal Singh WW-1 who participated on behalf of the union in those negotiations has stated on oath that the negotiation ended in an agreement before the A.L.C., Mr. Sharma, Manager and Mr. Babiah. A.P.M., and that settlement was signed on 28-8-75. Sri N. Mukherjee MW-1 has not categorically denied the signing of such a settlement. He has simply stated that he was not aware of it. He does not say that on 28-8-75, the date on which the alleged settlement took place, he himself participated in the proceeding or the management was represented by Sri Babiah. Thus there is no categorical denial to the fact stated by Sri Ram Ekwal Singh WW-1 that a settlement was signed on that date. Sri Ram Ekwal Singh has given the basis of selecting 42 persons out of the total of 97 for which the dispute was raised. According to him a batch of 5 persons per wagon was taken as standard strength for 8 average wagons per day and this brought the figure to $40(8 \times 5 = 40)$ workmen. Two more persons were added for being utilised on leave vacancy etc. Thus it was decided to regularise 42 workmen.

7. This secondary evidence about the existence and terms of the settlement was allowed because the original was not forthcoming. Sri Mukherjee MW-1 stated on oath that in the file left by Sr. Babiah there were all the papers but not the settlement. Union made an attempt to produce that copy of the settlement which was submitted to the A.L.C. but the letter received from the R.L.C. in response to the process issued by this Tribunal, goes to show that the said file is not traceable in R.L.C.'s office. When the original is lost secondary evidence about the existence and contents of the settlement becomes admissible.

8. The statement of Sri Ram Ekwal Singh WW-1 is further confirmed this by the letter Ext. W-6 filed by the union. It is not relevant in these proceedings as to how the union came in possession of the confidential letter addressed by the Manager, South Jharia Colliery to the Deputy Personnel Manager, Area No. VIII, Kustore. This letter No. SJ/17/1650 dated 2-4-1976 Ext. M-6 speaks of the agreement that was signed by the Area Personnel Manager, Bhuggatdih Sub-Area and the Manager South Jharia Colliery, on one side and the union on the other side. He has stated in the letter that the union on the other side. He has stated in the letter that the copy of the agreement was not available in the office of the Manager, South Jharia Colliery. The Manager therefore tried to lay down the substance of the agreement by saying 'However this is to confirm that A.P.M., Bhuggatdih Sub-Area, together with undersigned had reached an agreement with Branch Secretary, R.C.M.S. to regularise 42 casual wagon loaders of South Jharia Colliery.' This writing clearly states that Babiah who was then Area Personnel Manager and Sri M. M. Sharma who was the Manager of the colliery and is now in C.M.P.D.I. as stated by Sri N. Mukherjee, had personal knowledge of the agreement.

9. With this positive evidence on record it was the duty of the management to examine these two eye witnesses in rebuttal or otherwise as participants of the agreement for rebutting the statement of Sri Ram Ekwal Singh WW-1 as well as for the rebuttal of the contents of letter Ext. W-6. Union made an attempt to get a copy of the agreement from R.L.C.'s office but the relevant conciliation file in R.L.C.'s office is not traceable. I am therefore inclined to believe the un rebutted secondary evidence which proves that on 28-8-75 the union and the management entered into a settlement for the regularisation of 42 casual wagon loaders listed in the reference and Sri Ram Ekwal Singh WW-1 has stated on oath that they were to be regularised with effect from 1-9-75 which appears to be most plausible date when co-related to the date of the settlement.

10. It has been argued at the last moment without raising any such plea in the W.P. or rejoinder that even if it is presumed that some such settlement took place the participating officers had no right or authority to enter into such an agreement which envisaged creation of 42 posts and which was in fact a policy matter of national importance. Firstly such an argument could not be entertained because of the absence of the specific plea. The union had no opportunity to prove that in fact the participating officers had the right and ample authority for entering into the settlement. Secondly every small local matter cannot be treated as a matter of national importance simply because similar question might be arising elsewhere as well. The problem was very local and could well be disposed of by local agreement. Under the law, whatever may be the hierarchy, the Manager of the colliery is the real employer and he has every right to enter into an agreement for the regularisation of the 42 casual wagon loaders. It cannot therefore be argued that the Manager had no right to enter into any such settlement.

11. The management further raised an objection that the dispute so referred was not covered by any of the items of schedule (2) and (3) of the Industrial Disputes Act and as such it cannot be an industrial dispute referable to an Industrial Tribunal. The argument needs no elaborate discussion if this did not amount to an industrial dispute then there can be no industrial dispute whatsoever. The dispute relates to the terms and conditions of the service of the wagon loaders and has been rightly referred to this Tribunal.

12. It is, therefore, held that the management is bound under the agreement dated 28-8-75 to regularise all these 42 casual wagon loaders without exception with effect from 1-9-75 and to pay all the subsequent benefits to them arising from such regularisation with effect from 1-9-75, including the wages for the break period, if any, leave and other benefits after that date. The management shall pay Rs. 200 as costs to the union.

S. N. JOHRI, Presiding Officer.
[No. L. 20012/128/76-D. III(A)]

New Delhi, the 21st June, 1979

S.O. 2332.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Barkakana Area, Central Coalfields Limited, Post Office Barkakana, District Hazaribagh and their workmen, which was received by the Central Government on the 12th June, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

in the matter of a reference under Sec. 36A of the

Industrial Disputes Act, 1947

Reference No. 88 of 1977

PARTIES :

Employers in relation to the management of Barkakana Area, Central Coalfields Limited, Post Office Barkakana, District Hazaribagh.

AND

Their Workmen.

PRESENT :

Shri S. N. Johri, B Sc., LL.M., Presiding Officer.

APPEARANCES :

On behalf of the Employers—Shri T. P. Choudhury, Advocate.

On behalf of the Workmen—Shri Sushuvon Roy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Jabalpur dated, the 4th June, 1979

AWARD

This is a reference made under Section 36A of the Industrial Disputes Act, 1947 for the interpretation of the award given by the Industrial Tribunal No. 1, Dhanbad on 27-6-74 in Reference No. 32 of 1972. The reference has been made vide Ministry of Labour Order No. L-20012/60/76-DIHA, dated the 11th October, 1977 to the following effect :

"Whether, according to the award dated the 27th June, 1974 of the Central Government Industrial Tribunal No. 1, Dhanbad in reference No. 32 of 1972 published in Part II, Section 3, Sub-Section (ii) of the Gazette of India dated the 27th July, 1974, at pages 2045—2048, the transfer of the workmen from other collieries outside Barkakana area to collieries situated in Barkakana Area by the management of Central Coalfields Limited, Barkakana Area, Post Office Barkakana, District Hazaribagh should be after absorbing the workmen of Saunda D Colliery and Lapanga Colliery referred to in the award, or whether the management has the right to rationalise its workmen by transfer from areas outside to Barkakana area before absorption of the workmen referred to in the award."

2. The award under reference decided, as per settlement between the parties, the mode and condition of providing employment to 546 workmen of Saunda D Colliery (covered by the reference) and 277 workmen of Lapanga Colliery (not covered by the reference). It was an over all settlement of the dispute in which it was agreed by the parties to include Lapanga Colliery also even though there was no reference with respect to that colliery. After providing employment to all the eligible workers out of the list of those 546 workmen of Saunda D Colliery the management provided employment to 197 workers of Lapanga Colliery and thereafter proceeded to deploy the surplus man-power from Hazaribagh Area to this Barkakana area without first absorbing the remaining workers of Lapanga Colliery who had been listed in the settlement award.

3. The case of the union is that the settlement award contemplates priority of absorption of all those listed workmen of Lapanga area as a local arrangement and the management had no right to deploy surplus man-power from the Hazaribagh area into this deficit Barkakana area without first providing

employment to the remaining workers of Lapanga area because the terms of the settlement were equivocal about such a preference.

4. The management's case is that the settlement award recognised the right of the management to rationalise the work force and as such the deployment of surplus man-power from Hazaribagh area was consistent with the terms of settlement award. Thus a question arises about the interpretation of the terms of settlement award. The management has further raised legal objections against the validity of the reference. According to them the question of implementation of award cannot be agitated through a reference under section 36A of the Industrial Disputes Act in the garb to get it interpreted. There is no ambiguity of the award which required interpretation. The award with respect to Lapanga Colliery was beyond the scope of the reference and therefore the question of its interpretation could not be referred under sec. 36A of I.D. Act. It is therefore alleged that the Central Govt. had at first refused to make a reference. Without fresh material no such order could be revised and the Government had no jurisdiction to take a fresh decision to make the reference.

5. The last legal objection against the validity of the reference has been settled by the Supreme Court in M/s. Evon Service Production Agencies Private Ltd. vs. Industrial Tribunal Haryana, AIR 1979 SC. 170. The Supreme Court has said that the Government does not lack the power to make the reference in respect of the same industrial dispute which it once declines to refer nor is it necessary that the Government must have some fresh material made available to it subsequent to its refusal to make a reference for the formation of a fresh opinion for making the reference. The power to make reference is neither dried nor exhausted with the Government's first decline to make the reference. It only indicates that the Govt. for the time being refused to exercise that power. Thus the objection against the validity of the reference based on the plea that the Government had on an earlier occasion declined to make the reference, is not tenable.

6. According to Section 36A it is for the Government to form an opinion whether any defect or doubt arises as to the interpretation of any provision of an award or settlement, the opinion so formed is not justifiable and the Tribunal has no jurisdiction to go beyond the reference for examining whether the Government was justified in entertaining such opinion or not. It is obvious from the action taken by the management that there was a difference of opinion between the union and the management about the interpretation of the award and the settlement because the management never took a stand that it had a right to ignore or was acting in breach of the award or irrespective of it. Both the sides were trying to justify their stand on the basis of the terms of the award. Thus prima facie it appears that the Government had rightly come to entertain the opinion that there was some difficulty being experienced by the parties about interpretation of the provisions of the award. Fresh reference is no device for implementation. This legal objection has also therefore no force.

7. Lastly the plea that Lapanga Colliery settlement was not covered by reference, hence valid award could not be given with respect to that part of the settlement, has also no force. Firstly once an award is given and published it becomes final under section 17(2) of the I.D. Act. Its finality or validity cannot be challenged in these collateral proceedings. Secondly, the question of interpretation of the settlement relating to Lapanga Colliery workers can still be referred to this Tribunal under section 36A of the Industrial Disputes Act qua settlement if not as a valid part of the award because Section 36A envisages not only a reference relating to the interpretation of the provisions of an award but also of a settlement. Thus the legal objections so raised by the management have no force and are hereby rejected as not tenable.

8. This takes me to the question of interpretation of the settlement award before proceeding further it will be useful to reproduce the terms of the settlement as follows :

"(1) That it is agreed that the issues covered by the aforesaid reference as also the demand of the coal Workers Union regarding provision of employment to 277 workers of Lapanga Colliery of M/s. Jivannul Collieries Private Ltd. (Which Colliery was also nationalised w.e.f. 1-5-73 after its management was initially taken over by the Coal Mines Authority Limited on 31-1-73 in the same manner as was done

in the case of Saunda D Colliery under the aforesaid Legislation) who were dismissed from the service of that colliery by a notice issued by M/s. Jiwamul Collieries Ltd. on 4-12-72 should be jointly taken up for reaching an overall settlement. The Management of CMAL has the right to rationalise its labour force in its Barkakana area (consisting of Bhurkunda Colliery, Saunda Colliery, Central Saunda Colliery, K. K. Colliery, A. K. Colliery, Sayal Colliery, Saunda D Colliery (Bird Saunda) and Lapanga Colliery) and any new collieries that may be established hereafter by the Management in that area and the present deployment of workmen in its different collieries in irrational in as much as there as surplus workmen in some collieries and deficiencies of workers in the other collieries in the same area. The management further contend that the CMAL has the further right to proceed with the transfers of the workmen from one colliery to another or among these collieries in such a way as to rationalise employment of personnel as far as possible as may be considered necessary by the Management. The workmen and the Coal Workers Union agree to such an arrangement being made by the Management.

- (2) While taking note of the fact that female workers cannot be employed in the underground sections of the collieries, according to the provisions of Mines Act, the Management of CMAL agree that while implementing the settlement, such of the female workers as may be covered by the settlement shall be provided employment in the open cast mines or on the surface jobs such as wagon loading etc. At the same time, the Coal Mines Authority Limited shall also give due consideration to the unwillingness of any workers employed in open cast mines to be posted in the underground sections of the mines and shall transfer them if it becomes necessary in process of rationalisation of the work force to other quarries in that area or engage them on any surface jobs like wagon loading etc. The workmen and the Coal Workers Union are agreeable to this.
- (3) It is agreed that the Management of CMAL would provide employment as laid down in clauses (6) and (7) of the settlement only to such of the workers as specified below out of 546 covered by reference No. 32 of 1972 and to 137 male workers and 60 female workers as per Annexure A hereto out of the 277 workers as referred to above who had previously worked in Lapanga Colliery :—

(A) Saunda D Colliery

- (i) the number of workers, namely 546 covered by the present reference would be modified after necessary verification keeping in view the pleadings of the Management in their written statement dated 30-1-73 submitted to the Hon'ble Tribunal.
- (ii) Such of the workers out of these 546 against whom there are any pending charges of misconduct or charge sheets or against whom any Police cases for alleged criminal acts or overt acts were instituted and formal charge sheets have been submitted by the Police for trial before a Court of law or who are otherwise medically unfit or old shall be excluded.
- (iii) Such of the workers other than ex-CRO employees whose period of engagement prior to the termination of their services has been for less than one year shall also be excluded subject to the condition that if necessary records for verification are not available and verification is not possible in the case of any workers, such workers shall be included.
- (iv) Such of the ex-CRO workers whose period of engagement was less than for 3 months prior to the termination of their services shall also be excluded subject to the condition that if the said period of service of less than 3 months of any ex-CRO workers is in continuation of one or more previous full term engagement, the names of such ex-CRO workers shall not be excluded.

(B) Lapanga Colliery

- (i) That out of the 199 workers as referred to in Annexure A, such of them against whom there are any pending charges of misconduct or charge sheets or against

whom any Police Cases for alleged criminal acts or overt acts were instituted and formal charge sheets have been submitted by Police for trial before a Court of law or who are otherwise medically unfit or old shall be excluded.

- (ii) Any worker whose period of engagement has been for less than one year prior to the date of termination of his service shall also be excluded subject to the condition that if necessary records for verification are not available and verification is not possible then no exclusion shall be made.
- (4) It is agreed that out of the workers referred to in clauses 3(a) and 3(b) above who are not to be excluded shall be classified into two categories as follows :—
 - (a) Those who are members of the CMPF.
 - (b) Those who were working on a casual or temporary basis or who are not members of the CMPF.
- (5) It is agreed that the names of workers who fall in categories (a) and (b) as laid down in clause (4) above shall be separately arranged in an alphabetical order in English provided that the names of workers of Lapanga Colliery shall appear first in the alphabetical order in the list referred to in sub clause (b) of clause(4).
- (6) It is agreed that if after rationalising the employment of regular personnel in different collieries of Barkakana area of the CMAL as aforesaid has been effected and if any additional requirement of workman becomes necessary by direct recruitment in any of the collieries in the said area, then the workers covered by the list referred to in sub clause (a) of clause (4) shall be considered in the first instance for employment in the same order i.e. according to the alphabetical order in English in which their names would be arranged. It is further agreed that if after taking such action and after the existing casual ; badli and temporary workers already working in different collieries in Barkakana area have been regularised or have been given regular appointments and if any additional requirement of workmen becomes necessary by direct recruitment in any of the collieries in that area, then the workers covered by the list referred to in clause (b) of clause (4) shall be considered for employment in the same order i.e. according to the alphabetical to the alphabetical order in English in which their names would be arranged. It is expressly understood and agreed that the female workers shall be provided employment if the jobs for which the additional workers are required for employment are such as those that can be performed by female workers and such jobs are on the surface.
- (7) It is agreed that while providing employment as envisaged in clause (6) above to the workers concerned 25 per cent of the posts shall be reserved for scheduled caste/tribes candidates among those workers and they shall be given preference in the matter of employment.
- (8) It is agreed that nothing contained in this settlement shall alter the existing decision of the management in regard to priorities in employment e.g. sons or dependants of employees who may be involved in fatal accidents while on duty or sons or dependants of deceased employees whose cases may be considered on a special basis on account of distress or hardship being suffered by them or those who are displaced from their lands on account of mining requirements or acquisition of land etc.
- (9) It is agreed that this settlement has been arrived at between the parties taking into account the circumstances of the situation which are local and peculiar in nature in so far as Barkakana Area is concerned and that therefore, this settlement shall be treated as purely a local one reached in an attempt to end the present disputes relating to Saunda D Colliery and Lapanga Colliery. It is further agreed that no provision hereto shall be treated as constituting a precedent for any future settlement, in Barkakana area or in any other area of Coal Mines Authority Limited.

- (10) It is agreed that his settlement is an overall settlement and that it is in full and final settlement of all claims of the workmen of Saunda D Colliery and Lapanga Colliery as referred to above. The workmen and the Coal Workers Union also hereby agree to withdraw their claim before the Tribunal in Ref. No. 32 of 1972. The settlement shall become operative with effect from 25-6-1974."

9. The principle of interpretation of documents is that the intention of parties should at first be gathered from the language used in the documents itself. It is only when this internal evidence fails to provide clue for the real intentment, that the external circumstances are to be examined. In the present case I am of the opinion that the various provisions of this settlement themselves furnish clue to the correct interpretation of the intention of the parties and therefore external evidence of the allied circumstances is not necessary to be recorded.

10. Clause (1) of the settlement defines Barkakana area consisting of Bhurkunda Colliery, Saunda Colliery, Central Saunda Colliery, K. K. Colliery, A. K. Colliery, Sayal Colliery, Saunda D Colliery and Lapanga Colliery including any new collieries that may be established by the management in that area after the settlement. This clause (1) further makes it clear that in this area (meaning thereby Barkakana area) the present deployment of workmen in its different collieries (meaning the different collieries of Barkakana area), is irrational in as much as there are surplus workers in some collieries and deficiencies of workers in other collieries in the same area (meaning thereby Barkakana area).

11. Clause (1) further makes it clear that the management of CMAL has the right to rationalise its labour force in its Barkakana area. Thus para (1) of the settlement makes it very clear that the whole process of providing employment to the labour and rationalisation of the man-power relates and is confined strictly to Barkakana area collieries only and it is only with respect to Barkakana area collieries, as distinguished from other collieries spread out in other area under the same employer, that the management's right to rationalise its labour force has been recognised in the settlement. In clause (2) also the use of the words 'in that area' point to the fact that even with respect to female workers the process of rationalisation of the work force is to be confined to the quarries in Barkakana area only.

12. Clause (6) again says that 'it is agreed that, if after rationalising the employment of regular personnel in different collieries of Barkakana area of CMAL as aforesaid, has been effected and thereafter if any additional requirement of workers becomes necessary by direct recruitment in any area of the collieries in the said area, then the workers covered by the list referred to in sub-clause (a) of clause (4) shall be considered in the first instance' and thereafter the list in subclause (b) of clause (4) shall be considered. This again goes to show that the activity is to be confined to Barkakana area collieries only and the order of preference in the process of that activity has been laid in clause (6).

13. Clause (9) of the settlement further makes the position very clear that the settlement meets out the situation which is local and peculiar to Barkakana area and it shall be treated as purely a local settlement for attempting to end the present dispute relating to Saunda D Colliery and Lapanga Colliery.

14. Clause (10) further affirms that this settlement settles all the claims of the workmen of Saunda D Colliery and Lapanga Colliery.

15. In the light of all these provisions specially the underlined parts of it, it is very clear that the settlement was strictly a local settlement under which the man-power in Barkakana area was to be rationalised and thereafter vacancies were to be filled from the Lapanga Colliery list mentioned above. The settlement never envisaged that before all this is done people could be inducted from outside Barkakana area i.e. from Hazaribagh area to fill up the vacancies and thereby to reduce the chances of absorption of the Lapanga area workers mentioned in the list. No subsequent development of discovery of surplus man-power in Hazaribagh area and its deployment to other collieries in other areas can be considered by the management in utter disregard of this settlement. That general power of transfer from different areas is subject to the first satisfactory implementation of this local intra-area

settlement as the management's general right to rationalise the work force of different areas stood curtailed atleast with respect to Barkakana area till the listed man-power of Lapanga Colliery was finally absorbed as per terms of the settlement. The said settlement award and the terms of settlement are therefore interpreted accordingly.

S. N. JOHRI, Presiding Officer.

[No. L-20012/60/76-D.III(A)]

S.O. 2333.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Kankanee Colliery of Messrs Bharat Coking Coal Limited, Post Office Bansjora, Dhanbad and their workmen, which was received by the Central Government on the 12th June, 1979.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT NO. 3, DHANBAD
Reference No. 45 of 1977**

PRESENT :

Shri J. P. Singh—Presiding Officer.

PARTIES :

Employers in relation to the management of Kankanee Colliery of M/s. Bharat Coking Coal Ltd., P. O. Bansjora, Distt. Dhanbad.

AND

Their Workmen.

APPEARANCES :

For Employers—Shri G. Prasad, Advocate.

For Workmen—Shri S. Bose, Secretary.

INDUSTRY : Coal

STATE : Bihar

New Delhi, the 6th June, 1979

AWARD

The Government of India, Ministry of Labour is of opinion that an industrial dispute exists between the employers in relation to the management of Kankanee Colliery of M/s. Bharat Coking Coal Limited, P.O. Bansjora, Distt. Dhanbad and their workmen. Accordingly they, by Order No. L-20012/240/75-D. III(A) dated the 3rd April, 1976 referred the said dispute to this Tribunal u/s 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication with the following issue framed.

SCHEDULE

"Whether the action of the management of Kankanee Colliery of M/s. Bharat Coking Coal Ltd., P.O. Bansjora, Distt. Dhanbad in dismissing Shri Rajendra Singh Jagpal, Electric Helper with effect from 26th August, 1975 is legal and justified? If not, to what relief is he entitled?"

2. After receipt of the reference written statements were filed by the workmen as also by the employers. The reference thereafter proceeded along its course and ultimately on 2-6-1979 a memorandum of settlement was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. I heard the parties on the joint petition and it is prayed before me that an award may be passed in terms of the settlement as filed. It appears that the settlement in its turn has been signed by the General Manager Shri R. P. Gupta of Messrs Bharat Coking Coal Ltd., on behalf of the employers and by Shri C. M. Sharma, Organising Secretary of the Union. The terms of settlement, beneficial as they are to the parties, are accepted. Nothing therefore, stands in the way of an award being passed on the basis of the memorandum of settlement. Accordingly, I pass the award in terms of the memorandum of settlement which do form a part of the Award as Annexure 'A'.

J. P. SINGH, Presiding Officer

Encl : Annexure

ANNEXURE 'A'

BEFORE INDUSTRIAL TRIBUNAL NO. 3 DHANBAD

Memorandum of settlement arrived at between the management of Bharat Coking Coal Ltd., Sijua Area and its workman represented by Rashtriya Colliery Mazdoor Sangh on 19-10-1978.

Reference 45/77 Kankanee Colliery

PRESENT :

On behalf of the management :

- (1) Shri R. P. Gupta,
General Manager,
B.C.C.L., Sijua Area.
- (2) Shri K. C. Nandkeolyar,
Personnel Manager,
B.C.C.L., Sijua Area.

On behalf of the Union :

- (1) Shri C. M. Sharma,
Organising Secretary,
Rashtriya Colliery Mazdoor Sangh,
Rajendra Path,
Dhanbad.
- (2) Shri R. S. Jagpal,
Concerned workman.

"Short Recital of the case"

The Union named above took up the case of Shri R. S. Jagpal, Electrical Helper who was dismissed from service from Kankanee colliery consequent to charge sheet dated 25-4-1975 for the charges mentioned therein. The matter was enquired into in which Shri Jagpal was found guilty of the charges levelled against him. After dismissal of the case was taken up by the Union before the Assistant Labour Commissioner (Central), Dhanbad, where the case ended with failure and was referred to Tribunal No. 2 for adjudication and the case was registered as reference No. 15 of 1976. The case has been pending with Tribunal during which time the workman concerned appealed to the management for consideration. The case of reinstatement was also persuaded by the Union. The matter was referred by the Area to the Headquarter from where the General Manager (Personnel) has approved for compromise into the matter. With the view of ameliorate the difficulties of Shri Jagpal and also maintaining cordial Industrial Relation, the matter has been discussed with the Union and the case has been settled mutually on the terms mentioned herein below :—

"Terms of Settlement"

- (1) That Shri Rajendra Singh Jagpal will be reinstated on the same post in which he was working prior to his dismissal provided he reports for duty to the Personnel Manager, Sijua Area on or before 21-10-1978.
- (2) That Shri Jagpal and the Union representative have regretted for the incident on account of which Shri Jagpal was dismissed and have assured good conduct (on the part of Shri Jagpal).
- (3) That the period of idleness from the date of dismissal to the date of reinstatement shall be treated as dies-non i.e. he will not be entitled for any wages/compensation for the period of unemployment and it will be counted for the purpose of continuity of service only.
- (4) That after Shri Jagpal reports for duty, he will be posted in any of the collieries of BCCL.
- (5) That the Union and concerned workman agreed to take steps, at their own cost, to file joint petition with the management before the Hon'ble Tribunal No. 2, Dhanbad along with the copy of this settlement praying for passing the award on the terms mentioned herein.
- (6) That any other case/complaint filed by the Union or workman concerned in connection with the incident/dispute, referred to in the charge sheet, shall be deemed to have been withdrawn and steps will

be taken by the workman concerned and Union for the same.

- (7) That by virtue of this settlement the matter arising out of the dismissal of Shri Jagpal stand settled fully and finally.
- (8) That in case of any dispute regarding interpretation of the terms of settlement the same shall be referred to the Personnel Manager, Sijua Area whose decision thereon shall be final and binding.
- (9) That the copies of this settlement shall be forwarded to the authorities concerned under Rule 58(4) of Industrial Dispute (C) Rules 1957 for registration.

Sd/-

(R. P. Gupta)
General Manager

Sd/-

(K. C. Nandkeolyar)
Personnel Manager

Sd/-

(C. M. Sharma)
Organising Secretary, RCMS

Sd/-

(R. S. Jagpal)
Concerned Workman

Witnesses :

- (1)
- (2)

Dated Sijua the 19th October, 1978.

[No. L-20012/240/75-D. III (A)]

S.O. 2334.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No 3, Dhanbad the industrial dispute between the employers in relation to the management of Shampur 'A' Colliery of Messrs Eastern Coalfields Limited, Post Office, Nirsachatti, District Dhanbad and their workmen, which was received by the Central Government on the 12th June, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

Reference No. 73 of 1977

In the matter of an industrial dispute under section 10(1)(d) of the Industrial Disputes Act, 1947.

PRESENT :

Shri J. P. Singh—Presiding Officer.

PARTIES :

Employers in relation to the management of Shampur 'A' colliery of Messrs Eastern Coalfields Limited, Post Office Nirsachatti, district Dhanbad.

AND

Their Workmen.

APPEARANCES :

On behalf of the employers :
Shri N. C. Dash,
General Manager,
M/s. Eastern Coalfields Ltd.,
Dhanbad.

On behalf of the Workmen :
Shri K. S. Chatterjee, M.L.A.

STAFF : Bihar.

INDUSTRY : Coal

Dhanbad the 6th June, 1979

AWARD

The Government of India, Ministry of Labour is of opinion that an industrial dispute exists between the employers in relation to the management of Shampur 'A' colliery of Messrs Eastern Coalfields Limited, Post Office Nirsachatti, District Dhanbad and their workmen. Accordingly they, by Order No. L-20012/7/77-DIIIA, dated 2nd September, 1977 referred the said dispute to this Tribunal u/s 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication with the following issue framed.

SCHEDULE

"Whether the action of the management of Shampur 'A' colliery of Messrs Eastern Coalfields Limited Post Office Nirsachatti, District Dhanbad in dismissing Shri K. C. Dutta, Attendance Clerk, with effect from 24th March, 1976 is justified? If not, to what relief is the said workman entitled?"

2. After receipt of the reference written statements were filed by the employers as also by the workman. The reference thereafter proceeded along its course and ultimately on 3-7-1978 a memorandum of settlement was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. Since there was no Presiding Officer at the relevant period, the settlement was kept on record. Ultimately I fixed the case for hearing the parties on 4-6-1979 and heard the parties on the joint petition. The parties prayed before me that an award may be passed in terms of the settlement filed. It appears that the settlement in its turn has been signed by Shri N. C. Dash, General Manager of M/s. Eastern Coalfields Limited on behalf of employers and by Shri K. S. Chatterjee, M.L.A. on behalf of the workmen. The terms of settlement, beneficial as they are to the parties, are accepted. Nothing therefore, stands in the way of an award being passed on the basis of the memorandum of settlement. Accordingly, I pass the award in terms of the memorandum of settlement which do form part of the Award as Annexure 'A'.

J. P. SINGH, Presiding Officer

ANNEXURE 'A'

Memorandum of Settlement between the Management of Shampur 'A' Colliery of Messrs Eastern Coalfields Limited and their workmen, represented by the Bihar Colliery Kamgar Union, made this the 17th day of April, 1978.

PRESENT :

On behalf of the Management :

1. Shri N. C. Dash,
General Manager.
2. Shri M. P. Singh,
Dy. P.M.
- 3.
- 4.

On behalf of the Workmen :

1. Shri K. S. Chatterjee,
M.L.A. and Secretary,
Bihar Colliery Kamgar Union.
- 2.
- 3.
- 4.

PREAMBLE :

S/shri B. C. Sahani, Provident Fund Clerk, K. C. Dutta, Attendance Clerk, Bhola Nath Mondal, Mining Sardar, were dismissed for misconduct for alleged tampering of Form 'B' Register, helping impersonation of workmen, showing negligence of duty etc., after a domestic enquiry following a charge sheet dated 28-8-1975. Industrial disputes were raised on their behalf, which are pending before the Central Govt. Industrial Tribunal No. 3 at Dhanbad, and which are numbered as Reference No. 72 of 1977, 73 of 1977 and 85 of 1977 respectively and are pending for adjudication.

All the concerned workmen have appealed to the Chairman-cum-Managing Director for their reinstatement.

Their cases were duly considered by the management on the background that at least two officers of the colliery were involved in this affair and in fact, they were aware of this impersonation. One of the officers was also proceeded against.

There was free and frank discussion between the management and Shri K. S. Chatterjee of the Bihar Colliery Kamgar Union, who sponsored the cases of the workmen before the Chairman-cum-Managing Director. In the background of very good industrial relations with the Bihar Colliery Kamgar Union, particularly after Shri K. S. Chatterjee has taken over the stewardship, the Chairman-cum-Managing Director has been pleased to agree on principle to the reinstatement of all the three concerned workmen, as stated above, to maintain Industrial Relations although the misconduct against them had been fully established and was indeed serious.

It is therefore, agreed as follows :—

- (1) That S/shri B. C. Sahani, Provident Fund Clerk, K. C. Dutta, Attendance Clerk and Bhola Nath Mondal, Mining Sardar of Shampur 'A' Colliery are hereby reinstated in their services with immediate effect but they will not get any back wages from the date of their dismissal till the date of joining their posts.
- (2) That the entire period of their absence will be treated as leave without pay but their continuity of services will not be broken for the purpose of gratuity and/or other benefits.
- (3) That the concerned workmen undertake not to indulge in such type of misconduct in future and assure hte management of their full loyal co-operation.
- (4) It is agreed that a copy of this settlement shall be forwarded to the A.L.C. (Central) (Conciliation Officer), Dhanbad as required under Rule 58(4) of the Industrial Disputes Act.
- (5) It is further agreed that required number of copies of this settlement shall be filed before the Central Govt. Industrial Tribunal No. 3 at Dhanbad in each of the three References pending there with the prayer that the Tribunal will give his award in terms of this settlement.

For and on behalf of the
Management :

Sd/- Illegible
Sd/- Illegible

For and on behalf
of the Workmen.

Sd/-
B. C. Sahani,
Sd/-
B. N. Mondal,
Sd/-
K. C. Dutta,

Witness :

Sd/-
1. K. S. Chatterjee,
M.L.A.
17/9

Sd/-
2.
Sd/-
3.

[No. L-20012/7/77-D. III(A)]

S.O. 2335.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial

dispute between the employers in relation to the management of Jealgora Colliery of Messrs Bharat Coking Coal Limited, Post Office Jealgora, District Dhanbad and their workman, which was received by the Central Government on the 12th June, 1979.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, (NO. 3)
DHANBAD**

PRESENT :

Shri J. P. Singh, Presiding Officer.

In the matter of an industrial dispute u/s 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 17 of 1978

PARTIES :

Employers in relation to the management of Jealgora Colliery of Messrs Bharat Coking Coal Limited, Post Office Jealgora, District Dhanbad.

AND

Their workmen.

APPEARANCES :

On behalf of the employers—Shri T. P. Choudhury, Advocate.

On behalf of the workmen—Shri S. K. Pandey, Concerned workman.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 31st May, 1979

AWARD

The Government of India, Ministry of Labour is of opinion that an industrial dispute exists between the employers in relation to the management of Jealgora Colliery of Messrs Bharat Coking Coal Limited, Post Office Jealgora, District Dhanbad and their workmen. Accordingly they, by order No. L-20012/184/77-D. III (A) dated 17th February, 1978 referred the said dispute to this Tribunal u/s 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication with the following issue framed.

SCHEDULE

"Whether the action of the management of Jealgora Colliery of Messrs Bharat Coking Coal Limited, Post Office Jealgora, District Dhanbad, in dismissing Shri S. K. Pandey, Assistant Time Keeper, with effect from 29th July, 1974 is justified? If not, to what relief is the said workmen entitled?"

After receipt of the reference written statements were filed by the employers as also by the workmen. The reference thereafter proceeded along its course and ultimately on 2-6-1978 a memorandum of settlement was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. I heard the parties on the joint petition and it is prayed before me that an award may be passed in terms of the settlement as filed. It appears that the settlement in its turn has been signed by the General Manager of Area No. XI of M/s. Bharat Coking Coal Limited on behalf of the employers and by Shri S. K. Pandey, the concerned workman. The terms of settlement, beneficial as they are to the parties, are accepted. Nothing therefore, stands in the way of an award being passed on the basis of the memorandum of settlement. Accordingly, I pass the award in terms of the memorandum of settlement which do form a part of the Award as Annexure 'A'.

J. P. SINGH, Presiding Officer

**MEMORANDUM OF SETTLEMENT BETWEEN THE
MANAGEMENT OF JEALGORA COLLIERY OF M/s.
BHARAT COKING COAL LTD.**

AND

Shri S. K. Pandey, Ex. A. T. K., Jealgora Colliery dated 1st June, 1978.

PRESENT:

On behalf of the Management.

1. Shri S. K. Sinha,
General Manager,
BCCL; Area No. XI,
At & P.O. Bhowra (Dhanbad).

2. Shri K. Kumar,
Dy. P. M. (IR),
BCCL; Area No. XI,
Distt. Dhanbad.

On behalf of the Workman.

1. Shri S. K. Pandey,
Ex. A. T. K.,
Jealgora Colliery,
(The concerned workman).

Short Recital of the Case

Shri S. K. Pandey was working as Asstt. Time Keeper, Jealgora Colliery under the then Area V, now Area No. XI was dismissed from service with effect from 29th July, 1974, following domestic enquiry into misconduct committed by him. Shri Pandey raised an Industrial Dispute over his dismissal under Section 2A of the Industrial Disputes Act 1947 which has given rise to reference bearing Reference No. 17 of 1978 before the Central Government Industrial Tribunal No. 3 at Dhanbad.

Shri Pandey having approached the Management for his re-instatement his case was examined and after through discussions between the parties, it is agreed that with a copy of the settlement be filed before the Tribunal for giving its Award on the terms of the Settlement which are as under.

Terms of Settlement

1. Shri S. K. Pandey will be reinstated in his service with effect from the date he joins but not later than 14th June, 1978 at Jealgora Colliery.

2. The period of his idleness will be treated as dies non and no back wages will be payable to him.

3. The period of his past service however will be taken into consideration for the purpose of his gratuity.

4. Shri Pandey's case for promotion to the next higher grade will be considered only at the time of the next D.P.C. meeting and not merely because he is being taken back in his employment in the post of Grade-II Clerk.

5. Requisite number of signed copies will be filed before the Tribunal to give its Award in terms of the settlement.

For & on behalf of

Management.
1. (S. K. Sinha.)
General Manager,
BCCL; Area No. XI,
At & P.O. Bhowra,
Distt. Dhanbad.
2. (K. Kumar.)
Dy. Personnel Manager,
BCCL; Area No. XI,
At & P.O. Bhowra,
Distt. Dhanbad.

For and on behalf
of Workman.
1. (S. K. Pandey),
Ex. A.T.K. of
Jealgora Colliery.
Dated the 1st June, 1978
Witnesses :
1. Illegible.
2. Illegible.

[No. 20012/184/77-D III(A)]

New Delhi, the 23rd June, 1979

S.O. 2336.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management

of Bhatdee Colliery of Messrs Bharat Coking Coal Limited, Post Office Mohuda, District Dhanbad and their workmen, which was received by the Central Government on the 19th June, 1979.

BEFORE THE CENTRAL GOVERNMENT TRIBUNAL-
CUM-LABOUR COURT NO. 3 AT DHANBAD

Reference No. 70 of 1977

PRESENT :

Shri P. Ramakrishna, Presiding Officer.

PARTIES :

Employers in relation to the management of Bhatdee Colliery of M/s. Bharat Coking Coal Ltd., P. O Mohuda, District Dhanbad.

AND

Their workman.

APPEARANCES :

For Employers.--Shri B. M. Lal, Dy. Personnel Manager.

For Workman.--Workman in person.

INDUSTRY : Coal. STATE : Bihar
Dhanbad, the 14th June, 1979

AWARD

The Government of India, in the Ministry of Labour acting in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute to this Tribunal for adjudication by their Order No. L-20012/27/77-D.III A dated the 12th August, 1977.

SCHEDULE

"Whether the action of the management of Bhatdee Colliery of Messrs Bharat Coking Coal Limited, P. O. Mohuda, District Dhanbad in dismissing Sri Biru Napat, Electrician, from service with effect from 10th May, 1976, is justified? If not, to what relief is he entitled?"

The facts disclosed in the statement of claim filed by the workman are that during the relevant period he was working as an Electrician in the Bhatdee Colliery of M/s. Bharat Coking Coal Limited, Mohuda. He was suspected to have committed theft of E-33 Drill Panel contactor on 6-1-76 during 2nd and 3rd shifts while on duty. The theft was detected on 7-1-76 during 1st shift. A charge memo was served on him on 8-1-76. He was also accused of having committed a similar theft on 7-1-76 and a charge memo dated 10-1-76 was served on him in this regard. A departmental enquiry was held in respect of the alleged theft that took place on 6-1-76. The Enquiry Officer returned a finding of guilty on the basis of the oral and documentary evidence placed before him. The management accepted the said finding and passed an order dismissing the workman from service. The workman pleads that the enquiry was conducted without adhering to the principles of natural justice. No reasonable opportunity was given to him to cross-examine the departmental witnesses. The enquiry is said to have been adjourned on several occasions to harass his witnesses. He also states that the evidence on record does not support the finding of guilty recorded by the Enquiry Officer. He further submits that he was not the only person that had access to the missing part in question. He prays that the order of dismissal may be set aside and he be reinstated in service with full back wages and continuity of service.

The management filed a written statement denying the several averments made by the workman in his statement of claim. They submit that the enquiry was properly conducted and is not vitiated by any error of law. They also say that charge memos were issued to all the 3 persons including the workman herein that were working near the spot in question on the night of theft and that the Enquiry Officer found one of them Labo Rajwar not guilty. He held that the workman herein and Salim Sah guilty. The management accepted the

finding and dismissed both the persons found guilty. They say there are no merits in this case.

The workman filed a rejoinder controverting the allegations made by the management in their written statement and the management filed a rejoinder denying the averments made in the workman's statement of claim.

On 23-3-78 the management's witness Sri B. P. Yadav (Deputy Personnel Manager) was examined. Thereafter the matter underwent several adjournments.

On 13-6-79 the management through the Dy. Personnel Manager Shri B. M. Lal filed a memo of compromise duly signed by both the parties with a request that an award in terms of the settlement may be passed. The workman also appeared in person and made a similar request. By the compromise the workman is to be reinstated in service with continuity of service but without back wages. Having regard to the facts of this case, I consider that this compromise is in the interest of workman. The parties admitting the terms of compromise, the same is recorded.

In the result the reference is answered in terms of the memo of settlement filed by the parties. The memo of settlement appended hereto may be read as part of the award.

P. RAMAKRISHNA, Presiding Officer

MEMORANDUM OF SETTLEMENT UNDER RULE 58
OF THE INDUSTRIAL DISPUTES (CENTRAL)
RULES 1957

Name of the Parties

Representing the Employer(s)

1. Sri V. K. Talwar, General Manager
2. Sri S. K. Banerjee, Personnel Manager
3. Sri B. M. Lal, Dy. Personnel Manager.

Representing the workmen

1. Sri Biru Napat.

Short recital of the case

The General Secretary, Koyla Mazdoor Union represented the case of Sri Biru Napat of Bhatdee Colliery, who was dismissed in May, 1976 at Bhatdee Colliery—in respect of which reference No. 78/77 is pending before the Tribunal No. 3, for his re-instatement. After lengthy discussion the dispute is dissolved as under;

Terms of settlement

- (1) That Sri Biru Napat will be re-instated as Electrician with immediate effect, in any of the collieries of Area No. II.
- (2) The period of idleness from the date of his dismissal to the date he resumes duty will be treated as leave without pay.
- (3) The dispute stands finally resolved and there is no subsisting dispute. The copy of the settlement will be filed before the Tribunal No. 3 in connection with the Reference No. 70/77 requesting the Tribunal to give the Awards in terms of this settlement.

Signature of the parties

Representing the Employer	Representing the workmen
1. Sd/- Sri V. K. Talwar, G.M.	1. Sd/- Sri Biru Napat
2. Sd/- S. K. Banerjee, P.M.	3-3-79
3. Sd/- B. M. Lal, Dy. P.M.	

Witnesses :

1. Sd/- Ruplal Mahato 1-3-79
2. Sd/- Lallan Dubey.

[No. L-20012/27/77-D. III(A)]

नई दिल्ली, 3 जुलाई, 1979

प्रवेश

का०प्रा० 2337.—मैसर्स डुग्डा रूरल कमर्शियल इंटरप्राइजिज, डाकघर डुग्डा, जिला गिरीडीह, डुग्डा कोल वाशरीज आफ स्टील थोरोटिडी आफ इंडिया लिमिटेड के ठेकेदार, के प्रबन्धन में संबद्ध नियोजकों और उनके कर्मचारों के बीच, जिनका प्रतिनिधित्व बिहार कोलियरी कामगार यूनियन (सी०आई०टी०यू०) करती है, एक औद्योगिक विवाद विद्यमान है;

और उक्त नियोजकों और कर्मचारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यस्थ के लिये निर्दिष्ट करने का करार कर लिया है और उक्त माध्यस्थ करार की एक प्रति-केन्द्रीय सरकार को भेज दी गई है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थ करार को 8 जून, 1979 को एनडूद्वारा प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)
पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले: 1. श्री लोबिन गोपे, सामेवार प्रभारी, मैसर्स डुग्डा रूरल कमर्शियल इंटरप्राइजिज, डाकघर डुग्डा, जिला गिरीडीह।

कर्मचारों का प्रतिनिधित्व करने वाले: 1. श्री बैजनाथ केवल, मंत्री, बिहार कोलियरी कामगार यूनियन, डाकघर डुग्डा, जिला गिरीडीह।

(1) विनिश्चित विवाद प्रस्त विषय :

क्या श्रमिकों की यह मांग कि पोखरों के भीतर और पोखरों के बाहर गंदगी हटाने में नियोजित श्रमिकों के कार्य का स्वरूप पोखरों के बाहर से गंदगी हटाने में नियोजित श्रमिकों के कार्य के समान है और वे पोखरों के भीतर गंदगी निकालने में नियोजित श्रमिकों की वे मजदूरी की समान दरों को पाने के हकदार हैं? यदि हा, तो पोखरों के बाहर नियोजित श्रमिक किस अनुतोष के हकदार हैं?

2. विवाद के पक्षकारों का विवरण, जिसमें अन्तर्बलिन स्थापन या उपक्रम का नाम और पता भी सम्मिलित है :—

(क) मैसर्स डुग्डा रूरल कमर्शियल इंटरप्राइजिज, डाकघर डुग्डा, जिला गिरीडीह, डुग्डा कोल वाशरीज के ठेकेदार, डाकघर डुग्डा, जिला गिरीडीह।

(ख) बिहार कोलियरी, कामगार यूनियन (सी०आई०टी०यू०), डाकघर डुग्डा, जिला गिरीडीह (बिहार)

3. यदि कोई संघ प्रश्नगत कर्मचारों का प्रतिनिधित्व करता हो तो उसका नाम :—

(क) बिहार कोलियरी कामगार यूनियन (सी०आई०टी०यू०) डाकघर डुग्डा, जिला गिरीडीह।

4. प्रभावित उपक्रम में नियोजित कर्मचारों की कुल संख्या : 2200

5. विवाद द्वारा प्रभावित या संभाव्यता प्रभावित होने वाले कर्मचारों की प्राकल्पित संख्या : 280

हम यह करार भी करते हैं कि मध्यस्थ का विनिश्चय हम पर बाध्य कर होगा। मध्यस्थ अपना पंचाट तीन मास को कालावधि या इतने

और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाये, देगा। यदि पूर्व वर्णित कालावधि के भीतर पंचाट नहीं दिया जाता तो माध्यस्थ के लिये निदेश स्वतः रह ही जायेगा और हम नये माध्यस्थ के लिये बातचीत करने को स्वतन्त्र होंगे।

पक्षकारों के हस्ताक्षर :—

नियोजकों का प्रतिनिधित्व करने वाले कर्मचारों का प्रतिनिधित्व करने वाले

ह०/-

ह०/-

(लोबिन गोपे)

(बैजनाथ केवल)

सामेवारी प्रभारी, मैसर्स डुग्डा

मन्त्रि, बिहार कोलियरी कामगार

कमर्शियल इंटरप्राइजिज (ठेकेदार)

यूनियन, डुग्डा।

मध्यस्थ बनने के लिये तैयार हूँ।

ह०/-

ता० 31-5-79

(एस०बी० सिंह)

महायक श्रमायुक्त / (केन्द्रीय), हजारीबाग

साक्षी :—

(1)

ह०/-

(के०पी० सिंह)

उप-कामिक प्रबन्धक,

स्टील थोरोटिडी आफ इंडिया,

डाकघर, डुग्डा, जिला गिरीडीह।

(2)

ह०/-

(शिव प्रसाद)

मुंशी मैसर्स डुग्डा रूरल कमर्शियल,

इंटरप्राइजिज, डाकघर डुग्डा,

जिला, गिरीडीह।

[संख्या एन०-20013/1/79-बी०-3 (ए०)]

एस०एच०एस० धायर, वैरक अधिकारी

ORDER

New Delhi, the 3rd July, 1979

S.O. 2337.—Whereas an industrial dispute exists between the employers in relation to the management of Messrs Dugda Rural Commercial Enterprises at and Post Office Dugda, District Giridih, Contractors of Dugda Coal Washery of Steel Authority of India Limited and their workmen represented by Bihar Colliery Kamgar Union (CITU),

And whereas, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement.

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act 1947)

BETWEEN

Name of the Parties :

Representing Employer.—Sri Lobin Gope, Partner In-charge, Messrs Dugda Rural Commercial Enterprises, At and Post Office Dugda, District Giridih.

Representing Workmen.—Sri Baijnath Kewat, Secretary, Bihar Colliery Kamgar Union, At and Post Office Dugda, District Giridih.

(1) Specific matter under dispute.—Whether the demand of the workmen that the nature of work of the work-

men engaged in excavation of slurry inside ponds as well as outside ponds being identical, the workmen engaged in excavation of slurry from outside ponds are entitled to same rates of wages as payable to the workmen engaged for excavation of slurry inside ponds? If so, to what relief the workmen engaged in outside ponds are entitled?

(ii) Details of the parties to the dispute including name and address of the establishment or undertaking involved :—

(a) Messrs Dugda Rural Commercial Enterprises, At and Post Office Dugda, District Giridih, Contractors of Dugda Coal Washery, At and Post Office Dugda, District Giridih.

(b) Bihar Colliery Kamgar Union (CITU), At and Post Office Dugda, District Giridih (Bihar).

(iii) Name of the union representing the workmen :—

(a) Bihar Colliery Kamgar Union (CITU) At and Post Office Dugda, District Giridih.

(iv) Total No. of workmen employed in the undertakings.—2200.

(v) Estimated number of workmen affected or likely to be affected by the dispute. 280.

We further agree that the decision of the above Arbitrator will be binding on us. The Arbitrator shall make his award within a period of 3 months or within such further time as extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to Arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of Parties :—

Representing Employer

Representing workmen

Sd/-

Sd/-

(Lobin Gope)

(Bajinath Kewat)

Partner Incharge of Messrs
Dugda Rural Commercial
Enterprises (Contractor).

Secretary, Bihar Colliery
Kamgar Union, Dugda

Accepted to be Arbitrator.

Sd/-

(S. B. Singh)

31-5-79

Dated 31-5-1979

Asstt. Labour Commissioner (Central)
Hazaribagh

Witnesses :—

(1) Sd/-

(K. P. Singh)

Dy. Personnel Manager,

Steel Authority of India,

At and Post Office Dugda, District Giridih.

(2) Sd/-

(Shiva Prasad)

Munshi Messrs Dugda Rural Commercial
Enterprises, At and Post Office Dugda,
District Giridih.

[No. L-20013/1/79-D. III(A)]

S. H. S. IYER, Desk Officer

New Delhi, the 22nd June, 1979

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : CALCUTTA

Reference No. 29 of 1976

PARTIES :

Employers in relation to the management of the Punjab
National Bank, Calcutta,

AND

Their Workmen.

APPEARANCES :

On behalf of Employees.—Shri G. S. Verma, Senior
Personnel Officer.

On behalf of Workmen.—Sri A. D. Singh, Vice-President,
Bengal Bank Workers' Organisation.

State : West Bengal

Industry : Banking

AWARD

Government of India, Ministry of Labour, by their Order No. L-12012/78/D.II.A. dated 12th October, 1976 referred an industrial dispute existing between the employers in the relation to the management of Punjab National Bank, Calcutta and their workmen, to this Tribunal, for adjudication. The reference reads :

"Whether the action of the management of the Punjab National Bank, Calcutta in refusing special allowance of Rs. 20 p.m. to Shri G. P. Trivedi Peon, B. R. B. Basu Road Branch, Calcutta w.e.f. 3-9-74 is justified? If not, to what relief is the workman entitled?"

2. The case as pleaded by the Union on behalf of the concerned workman Sri G. P. Trivedi may be briefly indicated. The concerned workman has been working since 24th April, 1967 in the subordinate cadre in B.R.B. Basu Road Branch of the Punjab National Bank by virtue of an office order dated 3rd September, 1974 he was transferred to work in the Day Book department as a peon. Since then, Sri Trivedi has to perform duties of carrying out the order of the officers and/or clerks immediately after he joins his duties at 12 noon. As soon as the vouchers of the different departments are released he goes to different departments and brings the vouchers to the day book department for the purpose of making entries in the long books.

3. After the completion of the long books Sri Trivedi has to sort out all the vouchers of different departments such as Savings Bank a/c., Cash Credit a/c., Overdraft a/c., Drafts Payable a/c., Cash Order a/c. and other accounts. Then he arranges the vouchers of each departments in three parts i.e. Cash, Clearing and Transfer. He further arranges the vouchers according to ledgers. After that he tallies the total number of vouchers as arranged with the number of entries in the respective long books. Then he stitches the vouchers.

4. In paragraph 4 of the written statement it is stated that by virtue of an Office order dated 6th February, 1975 Sri Trivedi has to hand over these stitched vouchers to the Head Peon against his signatures in a Register. In paragraph 5 it is alleged that the duties enumerated above entitles Sri Trivedi to a special allowance of Rs. 20 per month under the Bipartite Settlement dated 19th October, 1966 as revised on 12th October, 1970. In these circumstances it is contended that the action of the management of the Punjab National Bank Calcutta, the Opposite Party in refusing special allowance to Sri Trivedi is not justified. There is therefore a prayer for directing the management of the Bank to pay Sri Trivedi special allowance at Rs. 20 per month with effect from 3rd September, 1970 i.e. the day he joined the Day book department as a peon.

5. In the written statement filed on behalf of the management it is stated that the claim of Sri Trivedi that he had been performing one of the duties of daffty viz., sorting and stitching of vouchers since 3-9-74 is incorrect. Under the office order dated February 6, 1975 Sri Trivedi who was attached to the Day book department was required to perform the duties of only stitching the vouchers from 6-2-75 to 1-8-75. Thereafter, the duty was entrusted to another

S.O. 2338.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of Punjab National Bank, Calcutta and their workman over non-payment of special allowance to Shri G. P. Trivedi, Peon, B. R. B. Basu Road Branch, Calcutta w.e.f. 3-9-74, which was received by the Central Government on 11-6-79.

peon. Sri Trivedi never performed any duty of a daftary prior to 6-2-75 or after 1-8-75.

6. In paragraph 5 of the written statement the management stated that Sri Trivedi had not been performing any of the duties specified in items (i) to (v) of the Daftary's duties as provided in the Bipartite Settlement. Further, as regards item No. (vi) under which a person is required to undertake the whole process of sorting, arranging, numbering, tallying the total number and stitching the vouchers, Sri Trivedi had been simply stitching the vouchers. He had not been engaged in the rest of the duties enumerated in item (vi).

7. The management by a Rejoinder to the written statement filed on behalf of the concerned workman stated that the duties performed by Sri Trivedi are those of a peon only. As regards the catalogue of duties stated to have been performed by Sri Trivedi in paragraph 3 of the workman's written statement, the management claims that sorting the vouchers of different departments is the duty of the Long Book writer. Sri Trivedi is neither expected to perform these duties nor has he performed them in practice. He does not arrange the vouchers of each department as stated by him since those are sorted out and arranged departmentwise by the Long Book Writers who are expected to perform these duties and actually do so. Arrangement of vouchers ledgerwise is also done by the Long Book Writers. Hence these are not done by Sri Trivedi as claimed by him. The tallying of the total number of vouchers in the respective Long Book is also the duty of the Day Book Writer and is performed by him and not by Sri Trivedi. Stitching of vouchers is not done by Sri Trivedi as stated by him. He keeps the individual Log Book vouchers separately for checking in the next morning. After checking is over, the final vouchers are sent to Day Book Section back where after tallying the Day Book all the vouchers are sent to the Daftary for stitching and records.

8. In paragraph 4 of the Rejoinder filed on behalf of the management it is stated that in the first week of February, 1975 it was found that vouchers of C/A Ledger No. 14 of 4-2-75 were not traceable. As Sri Trivedi's duty was in Day Book Section and his duty hours were from 12 to 7.30 p.m., he was the last peon to leave the office and expected to keep the Long Books, Day Books, vouchers etc. properly and hand over the vouchers to the Head Peon for safe custody overnight. An office order was issued on 6th February, 1975 instructing the peon of the Day Book department to hand over the vouchers to Head Peon duly stitched for safe custody. It was not intended by the said office order to allot any additional duty to Sri Trivedi which he was not expected to do as a peon. He started interpreting the office order wrongly to get some advantage out of it. In order to clarify the matter a further office order was issued on 1st August, 1975. In this office order it was clarified that stitching of the vouchers is the job of the daftary and not of the peon attached to the Day Book section. Stitching of the vouchers is done by a Daftary only after tallying of the Long Book, Day Book and checking of the vouchers next day. So a Peon is neither expected to do the stitching of vouchers nor does he do the stitching. Finally, stitching is done by daftary only and not by the peon. In conclusion it is stated that Sri Trivedi never having performed the duties of a daftary as claimed by the Union in paragraphs 3 of its written statement he is not entitled to any special allowance in terms of the Bipartite Settlement.

9. I may now set out the office order dated 6th February, 1975 which has been made Ext. M-2. It reads:

"OFFICE ORDER

6-2-75

Vouchers of C/A Ledger No. 14 of 4-2-75 are not traceable which is a very serious state of affairs.

All members of the staff are requested to search their drawers and cabinets and report the result of their efforts to the undersigned today.

Further, the following arrangement is proposed for safe custody of the vouchers overnight. The Day Book Deptt. peon should hand over the voucher lots duly stitched to the Head Peon for keeping

the same in a safe/Almirah under lock and key under his custody overnight.

Sd/-

M. C. GUPTA, Manager."

As parties referred to and relied on another office order dated 1st August, 1975, the same has been marked Ext. M-3(a). By that office order, the workload in the Day Book department after the introduction of two ledger posting machines, was distributed in the manner specified in the said office order. The part of the order on which the management relies for the purpose of this reference has been made Ext. M-3. It reads:

"After the cheques vouchers are released from the ledger sheets, they should be arranged ledger-wise and kept in separate clips and handed over to the Daftary for proper stitching. The stitching work shall have to be done by Sri Khetri Mohan Das and in his absence by Shri Deo Govind Singh.

The above arrangement shall come into force with effect from 2nd August, 1975."

The order is signed by Sri M. C. Gupta, Manager.

10. On behalf of the concerned workman a great deal of reliance has been placed on three registers purported to record the handing over of vouchers by the concerned workman to the Head Peon from day to-day. They have been marked Exhibits W-1, W-2 and W-3. The entries in the register begin from February 6, 1975 that is to say, the date of the office order. It was contended on behalf of the workman that these registers were maintained under the direction of the Manager. I propose to deal with those registers in due course.

11. On behalf of the concerned workman, the workman himself gave evidence. He deposed that he has been working in the Day Book department since 3rd September 1974. He has to be on duty from 1 p.m. reaching the office he hands over the Long Book register to the department-in-charge. He also hands over the Day Book department register, Current Accounts ledger sheet, etc., the debit extracts and vouchers. The general ledger the subsidiary general ledger and Progressive register are handed over to appropriate persons. He hands over the reconciliation sheet and the long book to another clerk. After the registers are completed he takes those registers to the concerned officers for signature. Over and above the routine work stated above, he takes all the vouchers which are signed by the officer except current account vouchers. He brings the vouchers which are released from cash credit ledger; so also from Overdraft ledger, Savings Book ledger, Bills voucher, etc. After bringing the vouchers he sorts them and hands them over the long book writer. He serially arranges those vouchers and then places the same in between the brown papers and then makes a hole with a big needle and stitches the same with a thread. By arranging vouchers he intended to say that he arranges the vouchers in an alphabetical order account-wise under cash, clearing and transfer. Then he enters the vouchers in a book which he possesses according to ledgerwise lots and hands over the same to the Head Peon and the Headpeon signs it. Obviously he referred to Exts. W-1, 2 and 3. On or about 1st August, 1975 a machine was placed in the current account section. Since then, he has not been stitching the vouchers of current accounts ledger sheets. He then referred to the office order dated 6th February, 1975, Ext. M-2. After that office order was made, he enquired of the Manager how could it be proved that he handed over the vouchers to the Head peon. The Manager asked him to obtain a book from the stationary department and make entries therein where signature of the Head peon should be obtained. The then Manager Mr. M. C. Gupta gave him those instructions. His evidence is that from that day he began to enter all the lots in the register and obtained the signature of the Head peon in acknowledgement of handing over of the vouchers. According to him after the entries were made the book used to be made over to the custody of one Mr. Bharadwaj, an officer of the Bank. He said there are four registers altogether from 6th February, 1975 upto 9th August, 1978. It may be noted only three registers have been produced at the hearing. He said that most of the writings in the register are by him. The Head

peon has signed at some places. He deposed that after the office order of 1st August, 1975 was made he was no longer required to arrange the vouchers of the current accounts which were done by machine. In regard to two current accounts ledger nos. 7 and 6 machines were not being used and the old system continued. All the remaining vouchers were arranged and stitched by him and he is still doing the same. When he was on leave a substitute was deputed to do this work. There are some entries in the handwriting of the substitute. It appears that the substitute used to make entries at the beginning but subsequently he discontinued this practice. The name of the substitute was Gobardhan Roy. He is still in the Bank's employment. The Jamadar i.e. the Head peon signed against entries. Sri L. C. Das was the permanent Head peon and Baskit Ram was the Head peon who officiated in place of L. C. Das when Das was on leave.

12. In cross-examination Sri G. P. Trivedi, the concerned workman stated that he claimed daftary allowance with effect from 3rd September 1974 on the basis that he has been doing the same duties even prior to the office order of 6th February, 1975 and ever since he joined the Day book department as a peon. He deposed that prior to the said office order he used to stitch vouchers, keep them in lots on the table from where the Head peon used to collect them. On 6th February, 1975 a lot of current account vouchers of ledger No. 14 were found to be missing. He was then told by the Manager to start a register and make entries therein. When he was asked by his substitute why he stopped making entries in the register, he said it was because of the fear that he might claim daftary allowance. He said he again enquired of the substitute why he was not making entries in the register. The reason he gave was that making entry was not necessary. He did not know whether there was any prescribed register for the vouchers in the Bank. He asserted that he could prove that the register which he had been using had been officially issued for the purpose. It was pointed out to him that although the entries in the register commenced from 6th February, 1975 the words "stitched and bound" began to appear with effect from 4th April, 1975. On being asked what was the reason for it, he had no explanation to offer. Sri Trivedi was shown the voucher register, Ext. M-5. He said that he had never seen it before, as he had never worked as a daftary. He was then shown a fat bundle of vouchers securely stitched, Ext. M-4. He said that the stitching was not done by him. It was done by Khetra Mohan Das, the Daftary. He said that he stitched the vouchers of one ledger at a time. His evidence was that each lot of vouchers used to be stitched by him and the stitched lots were handed over to the Head peon. Thereafter the daftary did the final stitching i.e. the kind of stitching done to the bundle of vouchers, Ext. M-4. He claimed that sorting of vouchers is done by him and not by long book writers.

13. In further cross-examination Sri Trivedi stated that he preferred the claim for daftary allowance for the first time in June 1975. As a controversy was raised as to whether the registers in which Trivedi made entries were officially issued by the stationery department of the bank in the usual course, the stationery register was produced by the Bank and Trivedi's attention was drawn to the entries dated 30th December, 1975 at page 40, Ext. M-4. He said that the stationery clerk Sri Baldev Singh made the entries. He signed against the entries dated 30th December, 1975. Trivedi admitted that the first three entries are in one ink and the fourth entry in respect of one blank register is in different ink apparently made by a ball point pen. His signature appears against the entry inscribed by the same ball point pen.

14. On behalf of the management evidence was given by Sri P. C. Session who worked in the B.R.B. Road Branch of the Bank from the end of May, 1975 till the end of August, 1976 as Sub-Manager, Sri P. Kanungo who worked in the same branch from 15th September, 1975 to 6th September, 1977 first as Assistant Manager and subsequently as officiating Sub-Manager, Sri D. N. Dubey who worked in the same branch as Assistant Manager and lastly Sri Baskit Ram who was a peon in the Day Book Section from 1958 to 1968 and officiated on some occasions as Head peon during 1974, 1975 and 1976.

15. Sri Session stated that he worked in the B.R.B. Bose Road branch of the bank from the end of May, 1975 to the end of August, 1976 as Sub-Manager. Mr. M. C. Gupta was

the Manager at that time office order dated 1-8-75 Ext. M-3(a) bears his initials. He said that when he read the previous office order of 6th February, 1975 he found some lacunae in the order. The lacuna was that the Day Book peon was stitching the vouchers which was not the intention of the office order and this was made clear in the office order dated 1st August, 1975. Sri Trivedi was the peon in the Day Book Section. His duty was to collect the vouchers from the respective departments from time to time and hand them over to the Day book section. In the evening, after the day books were written, he was to collect those vouchers which had been handed over during the day along with records, and keep the vouchers in safe custody by handing them over to the Head peon overnight. The next morning he used to collect those vouchers from the Head peon and pass them on to the respective officers who used to check the ledgers by reference to the vouchers. Thereafter the vouchers would be collected and given to the Day book in-charge. Sorting of vouchers is the duty of the clerks who are posted for the purpose and also for making entries in the long books. The Day book writers arrange the vouchers. Stitching of vouchers is the duty of the daftary done after the day book vouchers are completed and the day book tallied in all respects. At that time the main daftary was Khetru Mohan Das. During his absence on leave, the next senior peon was asked to officiate in his place. The duty of officiating was allotted as per the seniority list. During his time there was no occasion for Sri Trivedi to work as daftary. Allocation of duties is the responsibility of Assistant Manager and Sub-Manager. As Sub-Manager he was mostly in-charge of the routine of the branch. During his time he never found Sri Trivedi doing any stitching, sorting or arranging in the ledger file. The system was that after the day book vouchers were tallied, the day book in charge passed over all the vouchers to the daftary. Then the daftary sorted out those vouchers, bundled them, sealed them and made endorsements on the voucher register where the details were entered.

16. Sri Session then referred to the voucher register, Ext. M-5 and stated that Sri Trivedi's signature does not appear anywhere in the entire register. He was quite emphatic that Sri Trivedi had not done any work of sorting, arranging, numbering, tallying or stitching. When he was asked a pointed question as to whether any work had been done by Sri Trivedi which was not within the scope of the usual duties of a peon, he said that Sri Trivedi has always been performing only the duties of a peon. As regards the register, Ext. W-1, he said it was not an official register. It appeared to be a private register maintained by Sri Trivedi himself which contains acknowledgement of receipt of vouchers by the Head peon. During his time the register never came to his notice. The voucher register which he had produced as the only official document for maintaining a record of all vouchers.

17. Sri P. Kanungo deposed that he worked in the B.R.B. Road branch office from 15th September, 1975 to 6th September, 1977. He joined the branch first as Assistant Manager and subsequently when Sri P.R. Session was transferred from that branch, he worked as officiating Sub-Manager. The Day Book section was under him. According to him the duties of Sri Trivedi, the Day Book Peon was to collect vouchers from various departments after the completion of the day's work and hand over those vouchers to the Long Book writer for writing the Long Book. After the Long Book was written he was to make over all the vouchers to the Head Peon for safe custody overnight. In the Saving Bank section all the vouchers are sorted out by the Ledger Keeper himself while posting in the ledgers; similarly, as regards cash credit, vouchers while released from the ledgers are being automatically sorted out by the person in charge of the ledger. Same applies to over-draft account, draft payable account, cash order account and other accounts. In the current account section, since machines have been installed for posting the vouchers, the vouchers are automatically posted. The vouchers are sorted by the Ledger Keepers themselves and as such they are automatically sorted out during the process of posting. He did not remember if Sri Trivedi tallied the vouchers. He never saw him stitching vouchers. Stitching is done by the daftary next morning. He identified Ext. M-4 as a specimen of stitching done by the daftary. He stated that during his time, Trivedi was never deputed to work as daftary as there are peons senior to him.

18. Sri D. N. Dubey is the Assistant Manager working in the B.R.B. Road branch at present. He said that Sri Trivedi

comes at 12.30. His duty consists of collecting vouchers from various departments and handing them over to respective clerks of the department for sorting them out and writing in their respective books or ledgers. The sorting of vouchers is the duty of a clerk and in actual practice he does it. Arranging of vouchers is also a duty of the clerk. The tallying of vouchers is likewise a duty of the clerk. The stitching of vouchers is done by the daftary. When the Day Book department closes, the respective peons take the vouchers from the clerks and hand them over to head peon or jamadar for overnight custody. To his knowledge Sri Trivedi never performed any work of a daftary during his time. He has been in the B.R.B.B. Roach branch as Assistant Manager from 3rd October, 1977. He joined the branch as a clerk in the year 1961 and continued as such upto September, 1975. He said he served in nearly four or five sections. He deposed that during the time Sri Trivedi was attached to the Day Book section, he has been working as a Peon. In cross-examination, he said that he and Sri Trivedi were members of the same union though he did not know whether Sri Trivedi still continued to be a member.

19. The last witness who deposed on behalf of the management was Sri Euskit Ram. He was appointed on 15th October 1956. He has been working at the B.R.B.B. Road branch all along. He was in the Day Book section from 1958 to 1968 working as a Peon. His duty in the Day Book section included collecting vouchers from different sections and handing them over to dealing clerks who used to write the vouchers in the Long Book. Sorting of vouchers he said, was done by the clerk. After the vouchers are entered in the Long Book by the Long Book writers, they were released by them by pinning them if the number was small or by clipping them if the number was large. During his time, tallying of vouchers was done by Special Assistants of the Day Book section. At the close of working hours, the vouchers of the Day Book section were put in a box by him and were locked. The key was handed over to the Head peon. Next day the Head peon used to open that box at the start of duty hours and the peons from the departments used to collect those vouchers from him for handing them over to the concerned officers who used to check them. After the vouchers were checked by the concerned officers they were released and sent to a daftary for stitching and keeping them in safe custody. Numbering of vouchers was also done by the daftary.

20. Shri Baskit Ram deposed that there is no difference between the work which he used to do at the Day Book section and the work which is being done by Shri Trivedi. To his knowledge Shri Trivedi while working as peon in the Day Book Section has never done any duty in addition to the routine duties of a peon attached to the Day Book section. He said that he had sometimes officiated as Head peon during the years 1974, 1975 and 1976. He deposed that sometime in February, 1975 vouchers of ledger no. 14 of current accounts were found missing. An order was therefore issued by the Manager that the Day Book peon should hand over the vouchers at the end of the duty hours personally to the head peon to ensure their safe custody overnight. He worked as a Head peon after the said order was issued. At that point of time Sri Trivedi insisted that while he handed over the vouchers to him he should acknowledge their receipt in the register. The register was maintained by Shri Trivedi in common interest. There was no office order for maintaining the register. The register was not a part of the Bank's record and it was not being maintained under any office order. When Shri Trivedi went on leave, he used to keep the register under lock and key in his own custody as it was his personal record. Shri Trivedi had never stitched vouchers. Stitching was done by the Daftary. He referred to Exhibit M-4 and stated that the handwriting on the exhibit appeared to be of the daftary Khetra Mohan Das. During his period of service there has been no occasion when a peon has performed any additional duty which is a part of a daftary's duty for which any special allowance is payable. He said he signed on the register which was maintained by Trivedi only to protect his interest so that there might be a record of the number of vouchers he had received from Trivedi. He could not read the contents of the register because he did not know English. He could only read the English figures and he signed for the figures only. In cross-examination he said that the Special Assistant attached to the Day Book section used to tally the vouchers from 1958 to 1966.

21. I may now refer to some of the relevant provisions of the Bipartite Settlement in relation to the claim of the concerned workman. The concerned workman claims that the work he has been doing over and above his routine duties involves one of the duties of a daftary, namely undertaking the whole process of sorting, arranging, numbering, tallying the total number of and stitching the vouchers as provided in item (vi) of Clause (viii) of Part II of Appendix B to the Bipartite Settlement.

22. Chapter V of the Bipartite Settlement provides for payment of special allowance. Clause 5.6 Chapter V of the Settlement says that special allowances are intended to compensate a workman for performance or discharge of certain additional duties and function requiring greater skill or responsibility, over and above routine duties and function of a workman in the same cadre. In order to be entitled to special allowance, such additional duties and functions should constitute the normal part of the duties and functions performed or discharged by a workman. Special allowances are not intended to be paid for casual or occasional performance or discharge of such duties or functions.

23. Clause 5.7 provides that additional duties and functions involving greater skill or responsibility, which would entitle a workman to a special allowance, are more particularly enumerated, for each category of workmen, in Appendix 'B'. Reference has already been made to item (vi) of clause (viii), of Part II of Appendix B, as regards the additional duties and functions involving the work of a daftary on the basis of which the concerned workman has preferred his claim for special allowance.

24. Clause 5.7 provides that special allowance will be payable for all or any of the duties listed in Appendix B except where it is specifically provided therein that for a particular category the additional duties entitling to special allowance, include or involve all the duties listed under that category.

25. I may add that reliance was placed on behalf of the management on Clause 5.11 where it is stated that wherever a bank requires a workman to work in a post carrying a special allowance it will normally be done by an order in writing.

26. The case made on behalf of Shri Trivedi is that he comes under item (vi) of clause (viii) of Part II, Appendix 'B' of the Bipartite Settlement, or in other words, that he has, over and above the routine duties and functions of a Peon undertaken the whole process of sorting, arranging, numbering, tallying the total number of and stitching the vouchers which constitute a normal part of the duties and functions discharged by him.

27. There is no order in writing by which the management required Shri Trivedi to do the job specified in item (vi) in its entirety or any significant part thereof. Reliance was placed on the office order dated 6th February, 1975. That order merely enjoined the Day Book department peon to hand over the voucher lots 'duly stitched' to the Head peon for keeping the same in a safe/almirah under lock and key in his custody overnight. That order is a far cry from directing the workman to undertake the whole process of sorting, arranging, tallying, numbering the total number of and stitching the vouchers.

28. Stitching of vouchers is only a part of the entire process spoken of in item (vi) of clause (viii). Moreover, having regard to the context of item (vi) the stitching contemplated is of the kind done by daftaries. There is no dispute that the final stitching of which a specimen is furnished by Ext. M-4 was the work of a daftary and Trivedi was never engaged in that kind of stitching. It is true that he handed over the vouchers to the Head peon duly stitched as required by the office order dated February 6, 1975. That he did at least upto 1st August, 1975 when a fresh office order was issued. It is possible that he continued to do so even after that date. Be that as it may, the purpose of stitching which he was required to do under the office order dated February 6, 1975 was to keep the vouchers fastened together in separate lots until the daftary stitched them finally and more securely. The words "duly stitched" have to be given their proper meaning. In the contemplation of the office order dated February 6, 1975, the stitching appears to have been a substitute for pinning or clipping. What the peon did was to stitch loosely a comparatively small number of vouchers of the same category into small bundles. These bundles duly stitched had to be handed over by the peon to the Head peon for safe custody. Now, that is

not the stitching done by daftaries in the usual course of their duties as appears from Ext. M-4. Sri Trivedi never did the final stitching. Neither in his oral evidence nor in any of the documents relied upon him is there any indication that any officer directed him to undertake the continuous process of operations specified in item (vi) clause (viii) with all its ingredients.

29. It is significant that the union in its petition dated 15th March, 1977 stated that it solely depended upon the office order dated 3rd September, 1974, the order dated 6th February, 1975 and the register wherein the stitched vouchers were entered and handed over to the Head peon against his signature. If one is to go by the office order, no support can be found for the contention that the concerned workman undertook the whole process of operations specified in item (vi). In his evidence, Trivedi has stated that he sorted the vouchers released from the ledgers, arranged them serially and stitched them. This has been denied by those who deposed on behalf of the management. In any event, having regard to the absence of instructions on the part of the Bank requiring Trivedi to undertake the operations mentioned in item (vi), and the impact of the evidence in its entirety, I am unable to accept the case that Trivedi did the work of sorting, arranging and tallying of vouchers. It is true that nothing depends on the number of witnesses but it is noteworthy that apart from the evidence of the concerned workman himself, no evidence was led in support of his case.

30. As regards the register, there is plenty of evidence to establish that it is not an official register of the Bank. It does not contain initials of any officer. Three registers have been produced on behalf of the concerned workman, two of which do not figure in the stationery issue register of the Bank or at least no evidence has been adduced to that effect. There is reference only to one blank register in Ext. W-4 against the date 30th December, 1975. It is difficult to accept that entry as having been made in the usual course. It seems to have been squeezed in between other entries which are in a different ink. Sri Baldev Singh, Stationery clerk who according to the concerned workman made the entry has not been called. I find it difficult to accept the submission that it is for the Bank to call all bank employees indiscriminately. There is at least an equal duty in the concerned workman or in the Union to produce in appropriate cases employees of the Bank who are fellow employees having a common interest in an industrial dispute. The following questions were put to Sri Trivedi:

Ques: Can you explain why the fourth entry pertaining to one blank register has been made not in the usual form, but within a congested space although on the aforesaid date i.e. 30th December, 1975 subsequent to the fourth entry there is no entry regarding issue of stationery item and there is ample space on the page?

Ans: I have no explanation for the same. The words 'One blank register' are in the handwriting of Sri Baldev Singh, the Stationery clerk.

After this answer I feel that in the absence of the Stationery clerk explaining the incongruity of and the anomaly in the entries, the entry in the stationery register must be rejected as clandestine. The comment was made, not without reason, that although the entries in the register started with effect from 6th February, 1975 the remarks "Stitching and binding lot" appeared for the first time on 4th April, 1975. Sri Trivedi had no explanation to offer except that it was not done for any ulterior purpose. Trivedi said that when he was on leave, one Gobardhan Roy used to do the work of handing over vouchers to the Head peon. There are entries in his handwriting. Subsequently he discontinued this practice and stopped making entries. When he was asked to explain why his substitute ceased to make entries the answer came that it was because of the fear that he might claim daftary allowance. What was there to be afraid of? Why should he grudge Trivedi his legitimate dues? Perhaps his conscience pricked and he desisted from making entries in a private register maintained for an ulterior purpose. Gobardhan Roy who was admittedly friendly to the concerned workman was not asked by Trivedi to give evidence.

31. In this connection the evidence of Baskit Ram who, on some occasions performed the duties of Head peon, is relevant. He said that the register was maintained by Trivedi himself. There is no office order for maintaining the register. He said it is not a part of the Banks record and was not being maintained under any office order of the Bank. He signed on the register only in acknowledgement of how many vouchers he received from Trivedi and for no other reason. Having regard to the evidence of Baskit Ram, the fact that the register does not bear any initials or signature of any officer of the Bank, and the character of the register itself I am of opinion that no reliance can be placed on the register for determination of facts in dispute. It is noteworthy that although the words "stitching and binding of lot" appear in the register, Trivedi has not stated anywhere in his evidence that he ever did any binding. He seems to have tried to strengthen his claim by adding "binding" as one of his duties, although there was no foundation for it.

32. On a careful consideration of the evidence on record I am of opinion that the concerned workman did not undertake at any point the whole process of sorting, arranging, numbering, tallying the total number, of stitching the vouchers as contemplated in item (vi) of clause (viii) of Part II of Appendix 'B' of the Bipartite Settlement. The stitching he did, as I have said, was not the final stitching required of of a daftary that is only one link in the chain of a continuous of a daftary that is only one link in the chain of a continuous process. He did not have anything to do with the other links in the chain. Reference was made to an Award in Industrial Disputes No. 20 of 1969 made by the Tribunal (Central) at Hyderabad (Workmen of Allahabad Bank Limited, Hyderabad branch, Hyderabad vs Employers of Allahabad Bank Limited, Calcutta). The Tribunal observed that the claimant in that case was in charge of the clearing department only and not godown department and had given opinion compilation reports in 1967 and verified vernacular signatures in addition to being in charge of the cash department. So he had not complied with the requirements of Item 18 of Appendix B of Chapter V, and was not therefore entitled to the special allowance payable to E category Head Cashier. In the present case, even if it be held that the concerned workman has done stitching he has not complied with the other requirements of item (vi) of clause (viii) of Appendix 'B'. Consequently, he is not entitled to the special allowance which he has claimed.

33. In the view I have taken, I hold that the action of the management of the Punjab National Bank, Calcutta in refusing special allowance of Rs. 20 m.m. to Shri G. P. Trivedi, Peon, B.R.B. Basu Road Branch, Calcutta w.e.f. 3-9-74 is justified and the workman is not entitled to any relief.

Dated, Calcutta, the 31st May, 1979.

[No. L-12012/78/76-D. II. A.]

S. K. MUKHERJEA, Presiding Officer.

S.O. 2339.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of Bank of Baroda, New Delhi and their workman over non-payment of daftary allowance to Shri M. P. Pawar w.e.f. 25-11-1975, which was received by the Central Government on 11-6-1979.

BEFORE SHRI S. N. JOHRI, B.Sc. LL.M. PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR-COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(39) of 1978

PARTIES:

Employers in relation to the management of Bank of Baroda and their workmen represented through the President, M.P. Bank Employees Association, Yashwant Road, City Post Office Building, Indore (M.P.).

APPEARANCES :

For Union.—Shri P. S. Sharma, President.

For Bank.—Shri S. S. Sethi.

INDUSTRY : Bank DISTRICT : Indore (M.P.)

AWARD

Dated : June 2, 1979

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-12012/34/78-D.I.A dated 3-8-1978 for the adjudication of the following industrial dispute :

"Keeping in view the nature of duties performed by Shri M. P. Pawar, Sub-staff working in M.S.A. Cell Siyaganj Branch of the Bank of Baroda, Indore, whether the action of the Regional Manager (Delhi and M.P. Branch) Bank of Baroda, New Delhi in not paying him Daftari Allowance w.e.f. 25-11-1975 is justified? If not, to what relief is the workman concerned entitled?"

2. Following undisputed facts emerge in the case. In Siyaganj branch of Bank of Baroda a Multi Service Agency Cell was established on a separate floor of the same building. In that cell one Devi Lal had been appointed as Daftari. There was another Daftari in the Branch. Devi Lal was not paid Daftari allowance. A dispute was raised and under an agreement with the Union Daftari allowance was paid to him as a special case. Devlal was then transferred as Daftari to the branch and in his place Sri Pawar was transferred and posted as cash peon in the M.S.A. Cell. Cash peon allowance is being given to him. In the branch Devlal is performing the duties of Daftari. No order in writing was passed by any authority asking Sri Pawar to do the work of Daftari. Rate of Daftari allowance is higher than the rate of cash peon allowance.

3. The case of the Union is that Sri Pawar is made to work as Daftari as well. He is doing filing, arranging, numbering and stitching the vouchers, looking after stationary stores etc. Hence according to Bipartite Settlement Daftari allowance should be paid to him.

4. The Bank has challenged the validity of the reference in view of the fact that the question of daftari's allowance already stands resolved by the bipartite settlement which is binding on the parties. No valid industrial dispute ever came in existence because sponsoring general Union has no representative capacity in the Bank of Baroda nor there was proper espousal by a valid resolution in a properly called and constituted meeting.

4. On merits the Bank's stand is that Devlal's case could not be cited as a precedent in view of the terms of the settlement under which that payment was made. Devlal's case is distinguishable on facts. Sri Pawar is neither designated as Daftari nor is being made to do any of the duties of Daftari. Hence he is not entitled to Daftari Allowance.

5. Bipartite settlement constitutes service condition of bank employees. Non-payment of Daftari allowance according to those terms and conditions does constitute an industrial dispute triable by this Tribunal vide entry (2) of the IIIrd Schedule to the Industrial Disputes Act. Presence of Bipartite settlement does not therefore bar or invalidate the reference.

6. Admittedly management negotiated a settlement about Devlal's daftari allowance with this union and came to a settlement under which daftari allowance was paid to him. The Union produced the remittance list of the deductions made by the Bank from the salaries of its 34 employees towards their monthly membership fee contribution to this Union. Sri Sethi could not deny this fact at the bar. It is preposterous to say that even under these circumstances this union has no representative capacity in the bank.

7. Sri Panchayati has proved that a notice Ex. W-3 was sent to all the members of the executive and the Bank representatives on 22-9-1977 for a meeting on the very next day for considering the question and programme of staging one day's token strike. With this short notice as many as 47 persons turned up as is evident from Ex. W-7. This attending strength included at least four employees of Bank of Baroda. According to Sri Panchayati (W.W.1) the total strength of members of the executive and Bank rep-

resentatives comes to about 66. There is no evidence whether remaining 19 were properly served or not and as to how many of those 19 were the members of the executive committee. Sri Sethi, Bank's representative, has laid a great emphasis on this aspect. According to him if even a single member was not served the meeting could not be said to be regular and if a resolution to sponsor this dispute was passed by such a body, it could not convert this individual dispute into an industrial dispute. He has relied on the observations in this respect made in *Dunlop India Ltd. Vs. B. D. Gupta* 1975 Lab. I.C. 702.

8. That was a case in which the union by a resolution decided to enter into a settlement while the workman concerned who could agitate the dispute under Sec. 2A was opposed to such a settlement. He was a member of the Committee which passed the resolution in favour of the settlement but the concerned workman (member) was not noticed. The workman contested the settlement and challenged the validity of the resolution passed by the Union. It was in this context that Delhi High Court relying on election cases held that absence of notice of the meeting to any member may constitute a fatal defect in the Constitution of the meeting and consequently on its decisions. In that case as well as in election cases validly convened meeting becomes a direct and central issue because one of the members who has a right to be noticed or a member who is directly affected by the result, challenges its validity. There the Court or Tribunal acquires jurisdiction to examine and decide the question of validity of such a meeting, not in the present case where the question of the validity of the meeting or its decisions has not been raised by any member of that Committee. Outside agency like the Bank has no right to raise those questions relating to validity of meetings and resolutions of the Union which are more or less its internal matters. They are free to commit curable irregularities and by the conduct of not challenging those resolution even for about 2 years i.e. till today, the absent members or those who were not properly noticed shall be deemed to have given their implied consent or ratification in support of the resolution by their conduct. Thus it is held that in the present case union had representative capacity. The dispute was properly sponsored and the reference therefore does not suffer from any such defect of jurisdiction.

9. On merits Sri K. L. Mamlani (M.W. 1) has admitted that M.S.A. Cell is a separate unit of the branch situated on a separate floor of the building in which Siyaganj branch is situated. It separately maintains the stationary and record of vouchers and registers and this workman Sri Pawar is the only peon in that Cell. There is no other person doing the work of or holding the designation of daftari. Sri Pawar therefore sorts out and arranges all vouchers of one day serially and tags them in a bundle after paging them properly on the cover page all necessary particulars of the vouchers and the date are written by him. He supplied stationery from the almirah and stacks the records in proper order and assists them out when required. He does the filing work as well. There is no evidence that he does not file them independently. The Bank has not challenged the capacity of Sri Pawar to do all these duties independently. All these are the duties of daftari as enumerated in item (viii) of part II of Appendix B of Bipartite agreement.

10. The fact that the work is comparatively higher or that Sri Pawar does not do the stitching of the vouchers every day when he should do it daily, are not the relevant factor. He should be punished if he is lethargic. He is not responsible if the quantum of work is comparatively lesser and not sufficient to engage him for the whole day or that all the duties so enumerated in the appendix are not required to be done by him. He cannot create work for himself.

11. Para 5.6 itself says that 'it would, however, not be necessary that a workman should continue to perform such duties or discharge such functions whole time in order to be entitled to such allowance'. Para 5.7 says that special allowance is payable for performing all or any of the duties listed in Appendix B. These provisions do cut at the very root of the above arguments.

12. It is against argued that Sri Pawar was orally asked not to do all these duties because he was designated as cash peon. He should get the vouchers stitched from the Daftari posted in the branch. For about a week he took the vouchers to the daftari for being stitched but finding it inconvenient he started doing the whole thing himself. Thus he is doing all that voluntarily and is not being made to perform those

duties which is the essence of the rule that entitles one to daftari allowance. There is no substance in this statement and in this plea. The witness M.W. 1 admitted that Daftari sits in branch on a different floor of the building. He did only stitching work and that too for a week only. It was really a very inconvenient arrangement for all that the cash peon or rather the only peon of the Cell should go to the branch and wait there for the daftari to stitch the vouchers and thus remain absent from the cell for long periods, thereby causing inconvenience and stagnation in the other normal working of the cell. During that period of absence who is to take out the record and stationery etc. ? Moreover mere stitching is not the total work of daftari. Even if for argument's sake that part of the work he started doing himself, what about other duties? Bank has not adduced any evidence to show that he was not required to do those other duties. The witness M.W. 1 says that he reported the matter to Branch Manager but he did not prohibit Sri Pawar from discharging the duties of daftari. In fact that was not practically feasible. Every time an old record or stationery is required, the daftari sitting on the ground floor could not be summoned to 4th floor for taking it out and supplying the same. Then one peon shall be required to go and call him every time. This peon being the only sub-staff available on the floor where cell was lodged, was the only convenient person to discharge those duties. Hence the Bank authorities connived by remaining tight lipped and extracting those duties from him. After taking those duties under compulsion of circumstances, they cannot be allowed to turn round and say that those duties were being voluntarily performed by the employee and so he is not entitled to daftari allowance. The plea has no force. Clause 5.8 permits special allowance irrespective of designation or nomenclature. His designation as cash peon is therefore no bar to such a claim.

13. It cannot be argued that the duties so performed by Sri Pawar are not his normal duties, or that he is not required to regularly perform them. The duties are occasional if sometime or the other due to sudden timely or occasional or erratic increase of work one is required to do something which he normally is not expected or required to do. But doing the duties every day or at repeated intervals, normally and in a routine manner, as Sri Pawar is doing cannot but be called the discharge of such additional duties as normal part of duties and functions within the meaning of clause 5.6. They cannot be said to be occasional or casual.

14. The management has further argued that clause 5.11 normally requires an order for working on an allowance post to be in writing. It is thus not an immutable rule. In any case after not discharging the duty so cost on the management, it cannot be allowed to take shelter under its own default and plead that irrespective of actual performance of the duties of daftari the workman shall not be entitled to the allowance attached to that work simply because there is no order in writing. The clause does not lay down the consequences of non-compliance of the direction in clause 5.11. The provision is thus only directory and absence of the order in writing shall not create any disability in the workman to claim allowance for actually doing the work of daftari.

15. Lastly it was argued that in previous settlement about Devital it was agreed that the case shall not be cited as a precedent. This claim is not based on that precedent. It is based on the actual performance of duties by Sri Pawar. The statement that he was performing the same duties as Devital was doing prior to him only means that Devital was performing the duties of daftari and irrespective of designation Sri Pawar is also continuing to perform the same duties. The Pleas so raised by the management are thus ruled out.

16. Sri Pawar is therefore entitled to Daftari Allowance since the day of his posting to C.M.A. Cell instead of the allowance of cash peon which is being to him. The management do pay the difference to the worker concerned within two months of the publication of this award and shall continue to pay the same to him till some other daftari is not posted in the Cell and till Sri Pawar is made to perform those duties. Management shall further pay Rs. 200 as costs to the Union. Reference is answered accordingly.

2-6-1979.

S. N. JOHRI, Presiding Officer.
(No. L-12012/34/78-D.I.A.)
S. K. MUKHERJEE, Under Secy.

286 GI/79-6

नई दिल्ली, 21 जून, 1979

क्र० आ० 2340—केंद्रीय सरकार ने यह समाधान हो जाने पर कि लाकड़न में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 2, के खण्ड (ड) के उपखण्ड (6) के उपघट्टों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 3749 तारीख 15 दिसम्बर, 1978 द्वारा दिल्ली दुग्ध पाजता के आधीन दुग्ध प्रदाय उद्योग का उक्त अधिनियम के प्रयोजनों के लिए 22 दिसम्बर, 1978 में छ. माम का कालावधि के लिए लोक उपयोग सेवा घोषित किया था।

और केंद्रीय सरकार का राय है कि लाकड़न में उक्त कालावधि को छ माम की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम 1947 (1947 का 11) की धारा 2 के खण्ड (ड) के उपखण्ड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केंद्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 22 जून, 1979 में छ. माम की और कालावधि के लिए लोक उपयोग सेवा घोषित करती है।

[सं० एम० 11017/11/78/डो 1 ए.]

एन० के० नारायणन्, डेस्क अधिकारी

New Delhi, the 21st June, 1979

S. 2340.—Whereas the Central Government having been satisfied that the public interest so required, had in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 3749 dated the 15th December, 1978, the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the said Act for a period of six months from the 22nd December, 1978;

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 22nd June, 1979.

[No. S. 11017/11/78/DI(A)]

I. K. NARAYANAN, Desk Officer.

आदेश

नई दिल्ली, 23 जून, 1979

क्र० आ० 2341—केंद्रीय सरकार की राय है कि इसमें उपाखण्ड अनुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय स्टील प्राधिकरण लिमिटेड के राउन्डेला स्टील प्लांट के प्रबन्धन में सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और केंद्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (ब) द्वारा प्रबल शक्तियों का प्रयोग करने हुए, केंद्रीय सरकार एक औद्योगिक अधि-करण गठित करती है जिसके पीठासीन अधिकारी श्री एम० बी० गंगाराम होंगे, जिनका मुख्यालय मुंबईश्वर में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

प्रस्तावना

"क्या भारतीय स्टील प्राधिकरण लिमिटेड के राउरकेला स्टील प्लांट की कैप्टिव खानों अर्थात् पूरनापानी चूनापत्थर और डोलोमाइट खारि, कास्टा आयर्न माहल्स एंड बरसुआ आयर्न माहल्स में नियोजित परिवर्तन कर्मचारी 1-8-1964 से राउरकेला स्टील प्लांट में शुरू की गई प्रोत्साहन योजना के लाभों के हकदार हैं या नहीं ?

[सं० एन-26011/11/77-डी० 3 (बी)]

ए० के० राय, प्रवर सचिव

ORDER

New Delhi, the 23rd June, 1979

S.O. 2341.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Rourkela Steel Plant of Steel Authority of India Limited and their workmen in respect of the matters specified in the Schedule hereto annexed :

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. V. Gangaraju shall be the Presiding Officer with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the transport staff employed in the captive mines of Rourkela Steel Plant of Steel Authority of India noted namely Purnapani Limestone and Dolomite Quarry, Kalta Iron Mines and Barsua Iron Mines are entitled to benefits of the incentive scheme introduced in Rourkela Steel Plant with effect from 1-8-1964 or not ?"

[No. L-26011/11/77-D.III(B)]

A. K. ROY, Under Secy.